



## Land and Chemicals Division

Type of Document: **Information Request**

Facility Name: Amtrak-Chicago Lumber Street Maintenance Facility

Facility Location: 1400 South Lumber Street

Facility City: Chicago

Facility State: IL

Facility ZIP Code: 60607

U.S. EPA ID Number:

Assigned Staff			
Michael Valentino	(LCD/RCRA)	Phone:	886-4582
Nicole Wood-Chi	(ORC)	Phone:	886-0664

Name	Signature		Date
Author	Michael Valentino	X <i>Michael Valentino</i>	11-28-08
Regional Counsel	Nicole Wood-Chi	X <i>Nicole Wood-Chi</i>	12-1-08
ORC Section Chief		X <i>[Signature]</i>	12-2/08
Section Chief	Lorna M. Jereza	X <i>Michael Valentino for LS</i>	11-28-08
Branch Chief	Willie H. Harris	X <i>Willie H. Harris</i>	12/5/08
Division Director	Margaret M. Guerriero	X	
Regional Administrator	Mary Gade	X	

### Directions/Request for Clerical Support:

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- One copy for the section file;
- One copy for the branch file; and
- One copy for the official file.

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E-mail staff the date that the letter was received by facility.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

DEC 09 2008

REPLY TO THE ATTENTION OF:

LR-8J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Craig Caldwell  
Superintendent – Environmental  
National Railroad Passenger Corporation  
30th Street Station  
Philadelphia, Pennsylvania 19104

Re: National Railroad Passenger Corporation (Amtrak)  
Chicago Lumber Street Maintenance Facility,  
1400 South Lumber Street, Chicago, Illinois 60607

Dear Mr. Caldwell:

Thank you for your September 4, 2008, letter in which you disclosed that the Amtrak Chicago Lumber Street Maintenance Facility, referenced above, had potentially violated the Resource Conservation and Recovery Act (RCRA), specifically the RCRA regulations codified at 40 C.F.R. Part 261.

The U. S. Environmental Protection Agency acknowledges that Amtrak's disclosure was made pursuant to both Amtrak's corporate Environmental Management System (EMS) and EPA's *Incentives for Self-Policing: Discovery, Disclosure, Corrections and Prevention of Violations Final Policy Statement*, 65 Fed. Reg. 19618 (April 11, 2000) (Audit Policy). The Audit Policy has several important goals, including encouraging greater compliance with the laws and regulations which protect human health and the environment through self-policing, discovery, disclosure, correction and prevention. If specific criteria are met, reduction in gravity-based penalties up to 100 percent is available under the Audit Policy.

Within 30 days of receipt of this letter please explain how Amtrak has met all nine criteria listed in Section E of the Audit Policy. Please include documentation to support each claim. Enclosed, for your convenience is a copy of the Audit Policy discussed above. In addition, EPA requests that you provide the following information:

- 1) A copy of the material safety data sheets referenced in August 14, 2008, Corrective Action Plan.

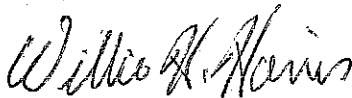
- 2) Month-to-month waste generation documentation for the Chicago Lumber Street Maintenance Facility from August 2007 through September 2008.
- 3) Documentation identifying the solid waste streams generated at the Chicago Lumber Street Maintenance Facility, including waste determinations for those streams.

Please send the above requested information to:

Michael Valentino  
RCRA Branch (LR-8J)  
Land and Chemicals Division  
EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Thank you for your attention to this matter. If you have any questions, please contact Michael Valentino, at (312) 886-4582. Please direct any legal questions to Nicole Wood-Chi, Assistant Regional Counsel, at (312) 886-0664:

Sincerely,



Willie H. Harris, P.E.  
Chief, RCRA Branch  
Land and Chemicals Division

Enclosure

cc: Todd Marvel, Illinois Environmental Protection Agency,  
Nicole Wood-Chi (C-14J)



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Mr. Craig Caldwell  
Superintendent-Environmental  
National Railroad Passenger Corp  
30th Street Station  
Philadelphia, PA 19104

2. Article Number  
(Transfer from service label)

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PS Form 3811, March 2001

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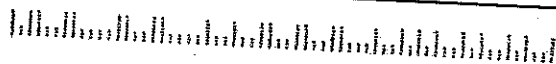
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U S EPA  
77 W JACKSON BLVD  
CHICAGO IL 60604 LR-85  
ATTN MIKE VALENTINO





# Federal Register

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Tuesday,  
April 11, 2000

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## Part VII

### Environmental Protection Agency

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Incentives for Self-Policing: Discovery,  
Disclosure, Correction and Prevention of  
Violations; Notice

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6576-3]

### Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations

**AGENCY:** Environmental Protection Agency (EPA, or Agency).

**ACTION:** Final Policy Statement.

**SUMMARY:** EPA today issues its revised final policy on "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," commonly referred to as the "Audit Policy." The purpose of this Policy is to enhance protection of human health and the environment by encouraging regulated entities to voluntarily discover, promptly disclose and expeditiously correct violations of Federal environmental requirements. Incentives that EPA makes available for those who meet the terms of the Audit Policy include the elimination or substantial reduction of the gravity component of civil penalties and a determination not to recommend criminal prosecution of the disclosing entity. The Policy also restates EPA's long-standing practice of not requesting copies of regulated entities' voluntary audit reports to trigger Federal enforcement investigations. Today's revised Audit Policy replaces the 1995 Audit Policy (60 FR 66706), which was issued on December 22, 1995, and took effect on January 22, 1996. Today's revisions maintain the basic structure and terms of the 1995 Audit Policy while clarifying some of its language, broadening its availability, and conforming the provisions of the Policy to actual Agency practice. The revisions being released today lengthen the prompt disclosure period to 21 days, clarify that the independent discovery condition does not automatically preclude penalty mitigation for multi-facility entities, and clarify how the prompt disclosure and repeat violation conditions apply to newly acquired companies. The revised Policy was developed in close consultation with the U.S. Department of Justice (DOJ), States, public interest groups and the regulated community. The revisions also reflect EPA's experience implementing the Policy over the past five years.

**DATES:** This revised Policy is effective May 11, 2000.

**FOR FURTHER INFORMATION CONTACT:** Catherine Malinin Dunn (202) 564-2629 or Leslie Jones (202) 564-5123. Documentation relating to the

development of this Policy is contained in the environmental auditing public docket (#C-94-01). An index to the docket may be obtained by contacting the Enforcement and Compliance Docket and Information Center (ECDIC) by telephone at (202) 564-2614 or (202) 564-2119, by fax at (202) 501-1011, or by email at [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov). ECDIC office hours are 8:00 am to 4:00 pm Monday through Friday except for Federal holidays. An index to the docket is available on the Internet at [www.epa.gov/oeca/polguid/enfdock.html](http://www.epa.gov/oeca/polguid/enfdock.html). Additional guidance regarding interpretation and application of the Policy is also available on the Internet at [www.epa.gov/oeca/ore/apolguid.html](http://www.epa.gov/oeca/ore/apolguid.html).

**SUPPLEMENTARY INFORMATION:** This Notice is organized as follows:

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- #### II. Statement of Policy—Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention
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    - 1. Systematic Discovery
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- 4. Discovery and Disclosure Independent of Government or Third-Party Plaintiff
- 5. Correction and Remediation
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#### I. Explanation of Policy

##### A. Introduction

On December 22, 1995, EPA issued its final policy on "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" (60 FR 66706) (Audit Policy, or Policy). The purpose of the Policy is to enhance protection of human health and the environment by encouraging regulated entities to voluntarily discover, disclose, correct and prevent violations of Federal environmental law. Benefits available to entities that make disclosures under the terms of the Policy include reductions in the amount of civil penalties and a determination not to recommend criminal prosecution of disclosing entities.

Today, EPA issues revisions to the 1995 Audit Policy. The revised Policy reflects EPA's continuing commitment to encouraging voluntary self-policing while preserving fair and effective enforcement. It lengthens the prompt disclosure period to 21 days, clarifies that the independent discovery condition does not automatically preclude Audit Policy credit in the multi-facility context, and clarifies how the prompt disclosure and repeat violations conditions apply in the acquisitions context. The revised final Policy takes effect May 11, 2000.

##### B. Background and History

The Audit Policy provides incentives for regulated entities to detect, promptly disclose, and expeditiously correct violations of Federal environmental requirements. The Policy contains nine conditions, and entities that meet all of them are eligible for 100% mitigation of any gravity-based penalties that otherwise could be assessed. ("Gravity-based" refers to that portion of the penalty over and above the portion that represents the entity's economic gain from noncompliance, known as the "economic benefit.") Regulated entities that do not meet the first condition—systematic discovery of violations—but meet the other eight conditions are eligible for 75% mitigation of any gravity-based civil penalties. On the criminal side, EPA will generally elect not to recommend criminal prosecution

by DOJ or any other prosecuting authority for a disclosing entity that meets at least conditions two through nine—regardless of whether it meets the systematic discovery requirement—as long as its self-policing, discovery and disclosure were conducted in good faith and the entity adopts a systematic approach to preventing recurrence of the violation.

The Policy includes important safeguards to deter violations and protect public health and the environment. For example, the Policy requires entities to act to prevent recurrence of violations and to remedy any environmental harm that may have occurred. Repeat violations, those that result in actual harm to the environment, and those that may present an imminent and substantial endangerment are not eligible for relief under this Policy. Companies will not be allowed to gain an economic advantage over their competitors by delaying their investment in compliance. And entities remain criminally liable for violations that result from conscious disregard of or willful blindness to their obligations under the law, and individuals remain liable for their criminal misconduct.

When EPA issued the 1995 Audit Policy, the Agency committed to evaluate the Policy after three years. The Agency initiated this evaluation in the Spring of 1998 and published its preliminary results in the **Federal Register** on May 17, 1999 (64 FR 26745). The evaluation consisted of the following components:

- An internal survey of EPA staff who process disclosures and handle enforcement cases under the 1995 Audit Policy;
- A survey of regulated entities that used the 1995 Policy to disclose violations;
- A series of meetings and conference calls with representatives from industry, environmental organizations, and States;
- Focused stakeholder discussions on the Audit Policy at two public conferences co-sponsored by EPA's Office of Enforcement and Compliance Assurance (OECA) and the Vice President's National Partnership for Reinventing Government, entitled "Protecting Public Health and the Environment through Innovative Approaches to Compliance";
- A **Federal Register** notice on March 2, 1999, soliciting comments on how EPA can further protect and improve public health and the environment through new compliance and enforcement approaches (64 FR 10144); and

- An analysis of data on Audit Policy usage to date and discussions amongst EPA officials who handle Audit Policy disclosures.

The same May 17, 1999, **Federal Register** notice that published the evaluation's preliminary results also proposed revisions to the 1995 Policy and requested public comment. During the 60-day public comment period, the Agency received 29 comment letters, copies of which are available through the Enforcement and Compliance Docket and Information Center. (See contact information at the beginning of this notice.) Analysis of these comment letters together with additional data on Audit Policy usage has constituted the final stage of the Audit Policy evaluation. EPA has prepared a detailed response to the comments received; a copy of that document will also be available through the Docket and Information Center as well on the Internet at [www.epa.gov/oeca/ore/apolguid.html](http://www.epa.gov/oeca/ore/apolguid.html).

Overall, the Audit Policy evaluation revealed very positive results. The Policy has encouraged voluntary self-policing while preserving fair and effective enforcement. Thus, the revisions issued today do not signal any intention to shift course regarding the Agency's position on self-policing and voluntary disclosures but instead represent an attempt to fine-tune a Policy that is already working well.

Use of the Audit Policy has been widespread. As of October 1, 1999, approximately 670 organizations had disclosed actual or potential violations at more than 2700 facilities. The number of disclosures has increased each of the four years the Policy has been in effect.

Results of the Audit Policy User's Survey revealed very high satisfaction rates among users, with 88% of respondents stating that they would use the Policy again and 84% stating that they would recommend the Policy to clients and/or their counterparts. No respondents stated an unwillingness to use the Policy again or to recommend its use to others.

The Audit Policy and related documents, including Agency interpretive guidance and general interest newsletters, are available on the Internet at [www.epa.gov/oeca/ore/apolguid](http://www.epa.gov/oeca/ore/apolguid). Additional guidance for implementing the Policy in the context of criminal violations can be found at [www.epa.gov/oeca/ocft/audpol2.html](http://www.epa.gov/oeca/ocft/audpol2.html).

In addition to the Audit Policy, the Agency's revised Small Business Compliance Policy ("Small Business Policy") is also available for small entities that employ 100 or fewer individuals. The Small Business Policy

provides penalty mitigation, subject to certain conditions, for small businesses that make a good faith effort to comply with environmental requirements by discovering, disclosing and correcting violations. EPA has revised the Small Business Policy at the same time it revised the Audit Policy. The revised Small Business Policy will be available on the Internet at [www.epa.gov/oeca/smbusi.html](http://www.epa.gov/oeca/smbusi.html).

### C. Purpose

The revised Policy being announced today is designed to encourage greater compliance with Federal laws and regulations that protect human health and the environment. It promotes a higher standard of self-policing by waiving gravity-based penalties for violations that are promptly disclosed and corrected, and which were discovered systematically—that is, through voluntary audits or compliance management systems. To provide an incentive for entities to disclose and correct violations regardless of how they were detected, the Policy reduces gravity-based penalties by 75% for violations that are voluntarily discovered and promptly disclosed and corrected, even if not discovered systematically.

EPA's enforcement program provides a strong incentive for compliance by imposing stiff sanctions for noncompliance. Enforcement has contributed to the dramatic expansion of environmental auditing as measured in numerous recent surveys. For example, in a 1995 survey by Price Waterhouse LLP, more than 90% of corporate respondents who conduct audits identified one of the reasons for doing so as the desire to find and correct violations before government inspectors discover them. (A copy of the survey is contained in the Docket as document VIII-A-76.)

At the same time, because government resources are limited, universal compliance cannot be achieved without active efforts by the regulated community to police themselves. More than half of the respondents to the same 1995 Price Waterhouse survey said that they would expand environmental auditing in exchange for reduced penalties for violations discovered and corrected. While many companies already audit or have compliance management programs in place, EPA believes that the incentives offered in this Policy will improve the frequency and quality of these self-policing efforts.

### D. Incentives for Self-Policing

Section C of the Audit Policy identifies the major incentives that EPA

provides to encourage self-policing, self-disclosure, and prompt self-correction. For entities that meet the conditions of the Policy, the available incentives include waiving or reducing gravity-based civil penalties, declining to recommend criminal prosecution for regulated entities that self-police, and refraining from routine requests for audits. (As noted in Section C of the Policy, EPA has refrained from making routine requests for audit reports since issuance of its 1986 policy on environmental auditing.)

#### 1. Eliminating Gravity-Based Penalties

In general, civil penalties that EPA assesses are comprised of two elements: the economic benefit component and the gravity-based component. The economic benefit component reflects the economic gain derived from a violator's illegal competitive advantage. Gravity-based penalties are that portion of the penalty over and above the economic benefit. They reflect the egregiousness of the violator's behavior and constitute the punitive portion of the penalty. For further discussion of these issues, see "Calculation of the Economic Benefit of Noncompliance in EPA's Civil Penalty Enforcement Cases," 64 FR 32948 (June 18, 1999) and "A Framework for Statute-Specific Approaches to Penalty Assessments," #GM-22 (1984), U.S. EPA General Enforcement Policy Compendium.

Under the Audit Policy, EPA will not seek gravity-based penalties for disclosing entities that meet all nine Policy conditions, including systematic discovery. ("Systematic discovery" means the detection of a potential violation through an environmental audit or a compliance management system that reflects the entity's due diligence in preventing, detecting and correcting violations.) EPA has elected to waive gravity-based penalties for violations discovered systematically, recognizing that environmental auditing and compliance management systems play a critical role in protecting human health and the environment by identifying, correcting and ultimately preventing violations.

However, EPA reserves the right to collect any economic benefit that may have been realized as a result of noncompliance, even where the entity meets all other Policy conditions. Where the Agency determines that the economic benefit is insignificant, the Agency also may waive this component of the penalty.

EPA's decision to retain its discretion to recover economic benefit is based on two reasons. First, facing the risk that the Agency will recoup economic

benefit provides an incentive for regulated entities to comply on time. Taxpayers whose payments are late expect to pay interest or a penalty; the same principle should apply to corporations and other regulated entities that have delayed their investment in compliance. Second, collecting economic benefit is fair because it protects law-abiding companies from being undercut by their noncomplying competitors, thereby preserving a level playing field.

#### 2. 75% Reduction of Gravity-based Penalties

Gravity-based penalties will be reduced by 75% where the disclosing entity does not detect the violation through systematic discovery but otherwise meets all other Policy conditions. The Policy appropriately limits the complete waiver of gravity-based civil penalties to companies that conduct environmental auditing or have in place a compliance management system. However, to encourage disclosure and correction of violations even in the absence of systematic discovery, EPA will reduce gravity-based penalties by 75% for entities that meet conditions D(2) through D(9) of the Policy. EPA expects that a disclosure under this provision will encourage the entity to work with the Agency to resolve environmental problems and begin to develop an effective auditing program or compliance management system.

#### 3. No Recommendations for Criminal Prosecution

In accordance with EPA's Investigative Discretion Memo dated January 12, 1994, EPA generally does not focus its criminal enforcement resources on entities that voluntarily discover, promptly disclose and expeditiously correct violations, unless there is potentially culpable behavior that merits criminal investigation. When a disclosure that meets the terms and conditions of this Policy results in a criminal investigation, EPA will generally not recommend criminal prosecution for the disclosing entity, although the Agency may recommend prosecution for culpable individuals and other entities. The 1994 Investigative Discretion Memo is available on the Internet at <http://www.epa.gov/oeca/ore/aed/comp/acomp/a11.html>.

The "no recommendation for criminal prosecution" incentive is available for entities that meet conditions D(2) through D(9) of the Policy. Condition D(1) "systematic discovery" is not required to be eligible for this incentive,

although the entity must be acting in good faith and must adopt a systematic approach to preventing recurring violations. Important limitations to the incentive apply. It will not be available, for example, where corporate officials are consciously involved in or willfully blind to violations, or conceal or condone noncompliance. Since the regulated entity must satisfy conditions D(2) through D(9) of the Policy, violations that cause serious harm or which may pose imminent and substantial endangerment to human health or the environment are not eligible. Finally, EPA reserves the right to recommend prosecution for the criminal conduct of any culpable individual or subsidiary organization.

While EPA may decide not to recommend criminal prosecution for disclosing entities, ultimate prosecutorial discretion resides with the U.S. Department of Justice, which will be guided by its own policy on voluntary disclosures ("Factors in Decisions on Criminal Prosecutions for Environmental Violations in the Context of Significant Voluntary Compliance or Disclosure Efforts by the Violator," July 1, 1991) and by its 1999 Guidance on Federal Prosecutions of Corporations. In addition, where a disclosing entity has met the conditions for avoiding a recommendation for criminal prosecution under this Policy, it will also be eligible for either 75% or 100% mitigation of gravity-based civil penalties, depending on whether the systematic discovery condition was met.

#### 4. No Routine Requests for Audit Reports

EPA reaffirms its Policy, in effect since 1986, to refrain from routine requests for audit reports. That is, EPA has not and will not routinely request copies of audit reports to trigger enforcement investigations. Implementation of the 1995 Policy has produced no evidence that the Agency has deviated, or should deviate, from this Policy. In general, an audit that results in expeditious correction will reduce liability, not expand it. However, if the Agency has independent evidence of a violation, it may seek the information it needs to establish the extent and nature of the violation and the degree of culpability.

For discussion of the circumstances in which EPA might request an audit report to determine Policy eligibility, see the explanatory text on cooperation, section I.E.9.

#### E. Conditions

Section D describes the nine conditions that a regulated entity must

meet in order for the Agency to decline to seek (or to reduce) gravity-based penalties under the Policy. As explained in section I.D.1 above, regulated entities that meet all nine conditions will not face gravity-based civil penalties. If the regulated entity meets all of the conditions except for D(1)—systematic discovery—EPA will reduce gravity-based penalties by 75%. In general, EPA will not recommend criminal prosecution for disclosing entities that meet at least conditions D(2) through D(9).

#### 1. Systematic Discovery of the Violation Through an Environmental Audit or a Compliance Management System

Under Section D(1), the violation must have been discovered through either (a) an environmental audit, or (b) a compliance management system that reflects due diligence in preventing, detecting and correcting violations. Both "environmental audit" and "compliance management system" are defined in Section B of the Policy.

The revised Policy uses the term "compliance management system" instead of "due diligence," which was used in the 1995 Policy. This change in nomenclature is intended solely to conform the Policy language to terminology more commonly in use by industry and by regulators to refer to a systematic management plan or systematic efforts to achieve and maintain compliance. No substantive difference is intended by substituting the term "compliance management system" for "due diligence," as the Policy clearly indicates that the compliance management system must reflect the regulated entity's due diligence in preventing, detecting and correcting violations.

Compliance management programs that train and motivate employees to prevent, detect and correct violations on a daily basis are a valuable complement to periodic auditing. Where the violation is discovered through a compliance management system and not through an audit, the disclosing entity should be prepared to document how its program reflects the due diligence criteria defined in Section B of the Policy statement. These criteria, which are adapted from existing codes of practice—such as Chapter Eight of the U.S. Sentencing Guidelines for organizational defendants, effective since 1991—are flexible enough to accommodate different types and sizes of businesses and other regulated entities. The Agency recognizes that a variety of compliance management programs are feasible, and it will determine whether basic due diligence

criteria have been met in deciding whether to grant Audit Policy credit.

As a condition of penalty mitigation, EPA may require that a description of the regulated entity's compliance management system be made publicly available. The Agency believes that the availability of such information will allow the public to judge the adequacy of compliance management systems, lead to enhanced compliance, and foster greater public trust in the integrity of compliance management systems.

#### 2. Voluntary Discovery

Under Section D(2), the violation must have been identified voluntarily, and not through a monitoring, sampling, or auditing procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement. The Policy provides three specific examples of discovery that would not be voluntary, and therefore would not be eligible for penalty mitigation: emissions violations detected through a required continuous emissions monitor, violations of NPDES discharge limits found through prescribed monitoring, and violations discovered through a compliance audit required to be performed by the terms of a consent order or settlement agreement. The exclusion does not apply to violations that are discovered pursuant to audits that are conducted as part of a comprehensive environmental management system (EMS) required under a settlement agreement. In general, EPA supports the implementation of EMSs that promote compliance, prevent pollution and improve overall environmental performance. Precluding the availability of the Audit Policy for discoveries made through a comprehensive EMS that has been implemented pursuant to a settlement agreement might discourage entities from agreeing to implement such a system.

In some instances, certain Clean Air Act violations discovered, disclosed and corrected by a company prior to issuance of a Title V permit are eligible for penalty mitigation under the Policy. For further guidance in this area, see "Reduced Penalties for Disclosures of Certain Clean Air Act Violations," Memorandum from Eric Schaeffer, Director of the EPA Office of Regulatory Enforcement, dated September 30, 1999. This document is available on the Internet at [www.epa.gov/oeca/ore/apolguid.html](http://www.epa.gov/oeca/ore/apolguid.html).

The voluntary requirement applies to discovery only, not reporting. That is, any violation that is voluntarily discovered is generally eligible for Audit Policy credit, regardless of

whether reporting of the violation was required after it was found.

#### 3. Prompt Disclosure

Section D(3) requires that the entity disclose the violation in writing to EPA within 21 calendar days after discovery. If the 21st day after discovery falls on a weekend or Federal holiday, the disclosure period will be extended to the first business day following the 21st day after discovery. If a statute or regulation requires the entity to report the violation in fewer than 21 days, disclosure must be made within the time limit established by law. (For example, unpermitted releases of hazardous substances must be reported immediately under 42 U.S.C. 9603.) Disclosures under this Policy should be made to the appropriate EPA Regional office or, where multiple Regions are involved, to EPA Headquarters. The Agency will work closely with States as needed to ensure fair and efficient implementation of the Policy. For additional guidance on making disclosures, contact the Audit Policy National Coordinator at EPA Headquarters at 202-564-5123.

The 21-day disclosure period begins when the entity discovers that a violation has, or may have, occurred. The trigger for discovery is when any officer, director, employee or agent of the facility has an objectively reasonable basis for believing that a violation has, or may have, occurred. The "objectively reasonable basis" standard is measured against what a prudent person, having the same information as was available to the individual in question, would have believed. It is not measured against what the individual in question thought was reasonable at the time the situation was encountered. If an entity has some doubt as to the existence of a violation, the recommended course is for the entity to proceed with the disclosure and allow the regulatory authorities to make a definitive determination. Contract personnel who provide on-site services at the facility may be treated as employees or agents for purposes of the Policy.

If the 21-day period has not yet expired and an entity suspects that it will be unable to meet the deadline, the entity should contact the appropriate EPA office in advance to develop disclosure terms acceptable to EPA. For situations in which the 21-day period already has expired, the Agency may accept a late disclosure in the exceptional case, such as where there are complex circumstances, including where EPA determines the violation could not be identified and disclosed within 21 calendar days after discovery.

EPA also may extend the disclosure period when multiple facilities or acquisitions are involved.

In the multi-facility context, EPA will ordinarily extend the 21-day period to allow reasonable time for completion and review of multi-facility audits where: (a) EPA and the entity agree on the timing and scope of the audits prior to their commencement; and (b) the facilities to be audited are identified in advance. In the acquisitions context, EPA will consider extending the prompt disclosure period on a case-by-case basis. The 21-day disclosure period will begin on the date of discovery by the acquiring entity, but in no case will the period begin earlier than the date of acquisition.

In summary, Section D(3) recognizes that it is critical for EPA to receive timely reporting of violations in order to have clear notice of the violations and the opportunity to respond if necessary. Prompt disclosure is also evidence of the regulated entity's good faith in wanting to achieve or return to compliance as soon as possible. The integrity of Federal environmental law depends upon timely and accurate reporting. The public relies on timely and accurate reports from the regulated community, not only to measure compliance but to evaluate health or environmental risk and gauge progress in reducing pollutant loadings. EPA expects the Policy to encourage the kind of vigorous self-policing that will serve these objectives and does not intend that it justify delayed reporting. When violations of reporting requirements are voluntarily discovered, they must be promptly reported. When a failure to report results in imminent and substantial endangerment or serious harm to the environment, Audit Policy credit is precluded under condition D(8).

#### 4. Discovery and Disclosure Independent of Government or Third Party Plaintiff

Under Section D(4), the entity must discover the violation independently. That is, the violation must be discovered and identified before EPA or another government agency likely would have identified the problem either through its own investigative work or from information received through a third party. This condition requires regulated entities to take the initiative to find violations on their own and disclose them promptly instead of waiting for an indication of a pending enforcement action or third-party complaint.

Section D(4)(a) lists the circumstances under which discovery and disclosure

will not be considered independent. For example, a disclosure will not be independent where EPA is already investigating the facility in question. However, under subsection (a), where the entity does not know that EPA has commenced a civil investigation and proceeds in good faith to make a disclosure under the Audit Policy, EPA may, in its discretion, provide penalty mitigation under the Audit Policy. The subsection (a) exception applies only to civil investigations; it does not apply in the criminal context. Other examples of situations in which a discovery is not considered independent are where a citizens' group has provided notice of its intent to sue, where a third party has already filed a complaint, where a whistleblower has reported the potential violation to government authorities, or where discovery of the violation by the government was imminent. Condition D(4)(c)—the filing of a complaint by a third party—covers formal judicial and administrative complaints as well as informal complaints, such as a letter from a citizens' group alerting EPA to a potential environmental violation.

Regulated entities that own or operate multiple facilities are subject to section D(4)(b) in addition to D(4)(a). EPA encourages multi-facility auditing and does not intend for the "independent discovery" condition to preclude availability of the Audit Policy when multiple facilities are involved. Thus, if a regulated entity owns or operates multiple facilities, the fact that one of its facilities is the subject of an investigation, inspection, information request or third-party complaint does not automatically preclude the Agency from granting Audit Policy credit for disclosures of violations self-discovered at the other facilities, assuming all other Audit Policy conditions are met. However, just as in the single-facility context, where a facility is already the subject of a government inspection, investigation or information request (including a broad information request that covers multiple facilities), it will generally not be eligible for Audit Policy credit. The Audit Policy is designed to encourage regulated entities to disclose violations before any of their facilities are under investigation, not after EPA discovers violations at one facility. Nevertheless, the Agency retains its full discretion under the Audit Policy to grant penalty waivers or reductions for good-faith disclosures made in the multi-facility context. EPA has worked closely with a number of entities that have received Audit Policy credit for multi-facility disclosures, and entities contemplating multi-facility auditing

are encouraged to contact the Agency with any questions concerning Audit Policy availability.

#### 5. Correction and Remediation

Under Section D(5), the entity must remedy any harm caused by the violation and expeditiously certify in writing to appropriate Federal, State, and local authorities that it has corrected the violation. Correction and remediation in this context include responding to spills and carrying out any removal or remedial actions required by law. The certification requirement enables EPA to ensure that the regulated entity will be publicly accountable for its commitments through binding written agreements, orders or consent decrees where necessary.

Under the Policy, the entity must correct the violation within 60 calendar days from the date of discovery, or as expeditiously as possible. EPA recognizes that some violations can and should be corrected immediately, while others may take longer than 60 days to correct. For example, more time may be required if capital expenditures are involved or if technological issues are a factor. If more than 60 days will be required, the disclosing entity must so notify the Agency in writing prior to the conclusion of the 60-day period. In all cases, the regulated entity will be expected to do its utmost to achieve or return to compliance as expeditiously as possible.

If correction of the violation depends upon issuance of a permit that has been applied for but not issued by Federal or State authorities, the Agency will, where appropriate, make reasonable efforts to secure timely review of the permit.

#### 6. Prevent Recurrence

Under Section D(6), the regulated entity must agree to take steps to prevent a recurrence of the violation after it has been disclosed. Preventive steps may include, but are not limited to, improvements to the entity's environmental auditing efforts or compliance management system.

#### 7. No Repeat Violations

Condition D(7) bars repeat offenders from receiving Audit Policy credit. Under the repeat violations exclusion, the same or a closely-related violation must not have occurred at the same facility within the past 3 years. The 3-year period begins to run when the government or a third party has given the violator notice of a specific violation, without regard to when the original violation cited in the notice



actually occurred. Examples of notice include a complaint, consent order, notice of violation, receipt of an inspection report, citizen suit, or receipt of penalty mitigation through a compliance assistance or incentive project.

When the facility is part of a multi-facility organization, Audit Policy relief is not available if the same or a closely-related violation occurred as part of a pattern of violations at one or more of these facilities within the past 5 years. If a facility has been newly acquired, the existence of a violation prior to acquisition does not trigger the repeat violations exclusion.

The term "violation" includes any violation subject to a Federal, State or local civil judicial or administrative order, consent agreement, conviction or plea agreement. Recognizing that minor violations sometimes are settled without a formal action in court, the term also covers any act or omission for which the regulated entity has received a penalty reduction in the past. This condition covers situations in which the regulated entity has had clear notice of its noncompliance and an opportunity to correct the problem.

The repeat violation exclusion benefits both the public and law-abiding entities by ensuring that penalties are not waived for those entities that have previously been notified of violations and fail to prevent repeat violations. The 3-year and 5-year "bright lines" in the exclusion are designed to provide regulated entities with clear notice about when the Policy will be available.

#### 8. Other Violations Excluded

Section D(8) provides that Policy benefits are not available for certain types of violations. Subsection D(8)(a) excludes violations that result in serious actual harm to the environment or which may have presented an imminent and substantial endangerment to public health or the environment. When events of such a consequential nature occur, violators are ineligible for penalty relief and other incentives under the Audit Policy. However, this condition does not bar an entity from qualifying for Audit Policy relief solely because the violation involves release of a pollutant to the environment, as such releases do not necessarily result in serious actual harm or an imminent and substantial endangerment. To date, EPA has not invoked the serious actual harm or the imminent and substantial endangerment clauses to deny Audit Policy credit for any disclosure.

Subsection D(8)(b) excludes violations of the specific terms of any order, consent agreement, or plea agreement.

Once a consent agreement has been negotiated, there is little incentive to comply if there are no sanctions for violating its specific requirements. The exclusion in this section also applies to violations of the terms of any response, removal or remedial action covered by a written agreement.

#### 9. Cooperation

Under Section D(9), the regulated entity must cooperate as required by EPA and provide the Agency with the information it needs to determine Policy applicability. The entity must not hide, destroy or tamper with possible evidence following discovery of potential environmental violations. In order for the Agency to apply the Policy fairly, it must have sufficient information to determine whether its conditions are satisfied in each individual case. In general, EPA requests audit reports to determine the applicability of this Policy only where the information contained in the audit report is not readily available elsewhere and where EPA decides that the information is necessary to determine whether the terms and conditions of the Policy have been met. In the rare instance where an EPA Regional office seeks to obtain an audit report because it is otherwise unable to determine whether Policy conditions have been met, the Regional office will notify the Office of Regulatory Enforcement at EPA headquarters.

Entities that disclose potential criminal violations may expect a more thorough review by the Agency. In criminal cases, entities will be expected to provide, at a minimum, the following: access to all requested documents; access to all employees of the disclosing entity; assistance in investigating the violation; any noncompliance problems related to the disclosure, and any environmental consequences related to the violations; access to all information relevant to the violations disclosed, including that portion of the environmental audit report or documentation from the compliance management system that revealed the violation; and access to the individuals who conducted the audit or review.

#### F. Opposition to Audit Privilege and Immunity

The Agency believes that the Audit Policy provides effective incentives for self-policing without impairing law enforcement, putting the environment at risk or hiding environmental compliance information from the public. Although EPA encourages environmental auditing, it must do so without compromising the integrity and

enforceability of environmental laws. It is important to distinguish between EPA's Audit Policy and the audit privilege and immunity laws that exist in some States. The Agency remains firmly opposed to statutory and regulatory audit privileges and immunity. Privilege laws shield evidence of wrongdoing and prevent States from investigating even the most serious environmental violations. Immunity laws prevent States from obtaining penalties that are appropriate to the seriousness of the violation, as they are required to do under Federal law. Audit privilege and immunity laws are unnecessary, undermine law enforcement, impair protection of human health and the environment, and interfere with the public's right to know of potential and existing environmental hazards.

Statutory audit privilege and immunity run counter to encouraging the kind of openness that builds trust between regulators, the regulated community and the public. For example, privileged information on compliance contained in an audit report may include information on the cause of violations, the extent of environmental harm, and what is necessary to correct the violations and prevent their recurrence. Privileged information is unavailable to law enforcers and to members of the public who have suffered harm as a result of environmental violations. The Agency opposes statutory immunity because it diminishes law enforcement's ability to discourage wrongful behavior and interferes with a regulator's ability to punish individuals who disregard the law and place others in danger. The Agency believes that its Audit Policy provides adequate incentives for self-policing but without secrecy and without abdicating its discretion to act in cases of serious environmental violations.

Privilege, by definition, invites secrecy, instead of the openness needed to build public trust in industry's ability to self-police. American law reflects the high value that the public places on fair access to the facts. The Supreme Court, for example, has said of privileges that, "[w]hatever their origins, these exceptions to the demand for every man's evidence are not lightly created nor expansively construed, for they are in derogation of the search for truth." *United States v. Nixon*, 418 U.S. 683, 710 (1974). Federal courts have unanimously refused to recognize a privilege for environmental audits in the context of government investigations. See, e.g., *United States v. Dexter Corp.*, 132 F.R.D. 8, 10 (D.Conn. 1990).

(application of a privilege "would effectively impede [EPA's] ability to enforce the Clean Water Act, and would be contrary to stated public policy.") Cf. *In re Grand Jury Proceedings*, 861 F. Supp. 386 (D. Md. 1994) (company must comply with a subpoena under Food, Drug and Cosmetics Act for self-evaluative documents).

#### *G. Effect on States*

The revised final Policy reflects EPA's desire to provide fair and effective incentives for self-policing that have practical value to States. To that end, the Agency has consulted closely with State officials in developing this Policy. As a result, EPA believes its revised final Policy is grounded in commonsense principles that should prove useful in the development and implementation of State programs and policies.

EPA recognizes that States are partners in implementing the enforcement and compliance assurance program. When consistent with EPA's policies on protecting confidential and sensitive information, the Agency will share with State agencies information on disclosures of violations of Federally-authorized, approved or delegated programs. In addition, for States that have adopted their own audit policies in Federally-authorized, approved or delegated programs, EPA will generally defer to State penalty mitigation for self-disclosures as long as the State policy meets minimum requirements for Federal delegation. Whenever a State provides a penalty waiver or mitigation for a violation of a requirement contained in a Federally-authorized, approved or delegated program to an entity that discloses those violations in conformity with a State audit policy, the State should notify the EPA Region in which it is located. This notification will ensure that Federal and State enforcement responses are coordinated properly.

For further information about minimum delegation requirements and the effect of State audit privilege and immunity laws on enforcement authority, see "Statement of Principles: Effect of State Audit/Immunity Privilege Laws on Enforcement Authority for Federal Programs," Memorandum from Steven A. Herman et al, dated February 14, 1997, to be posted on the Internet under [www.epa.gov/oeca/oppa](http://www.epa.gov/oeca/oppa).

As always, States are encouraged to experiment with different approaches to assuring compliance as long as such approaches do not jeopardize public health or the environment, or make it profitable not to comply with Federal environmental requirements. The

Agency remains opposed to State legislation that does not include these basic protections, and reserves its right to bring independent action against regulated entities for violations of Federal law that threaten human health or the environment, reflect criminal conduct or repeated noncompliance, or allow one company to profit at the expense of its law-abiding competitors.

#### *H. Scope of Policy*

EPA has developed this Policy to guide settlement actions. It is the Agency's practice to make public all compliance agreements reached under this Policy in order to provide the regulated community with fair notice of decisions and to provide affected communities and the public with information regarding Agency action. Some in the regulated community have suggested that the Agency should convert the Policy into a regulation because they feel doing so would ensure greater consistency and predictability. Following its three-year evaluation of the Policy, however, the Agency believes that there is ample evidence that the Policy has worked well and that there is no need for a formal rulemaking. Furthermore, as the Agency seeks to respond to lessons learned from its increasing experience handling self-disclosures, a policy is much easier to amend than a regulation. Nothing in today's release of the revised final Policy is intended to change the status of the Policy as guidance.

#### *I. Implementation of Policy*

##### *1. Civil Violations*

Pursuant to the Audit Policy, disclosures of civil environmental violations should be made to the EPA Region in which the entity or facility is located or, where the violations to be disclosed involve more than one EPA Region, to EPA Headquarters. The Regional or Headquarters offices decide whether application of the Audit Policy in a specific case is appropriate. Obviously, once a matter has been referred for civil judicial prosecution, DOJ becomes involved as well. Where there is evidence of a potential criminal violation, the civil offices coordinate with criminal enforcement offices at EPA and DOJ.

To resolve issues of national significance and ensure that the Policy is applied fairly and consistently across EPA Regions and at Headquarters, the Agency in 1995 created the Audit Policy Quick Response Team (QRT). The QRT is comprised of representatives from the Regions, Headquarters, and DOJ. It meets on a regular basis to address

issues of interpretation and to coordinate self-disclosure initiatives. In addition, in 1999 EPA established a National Coordinator position to handle Audit Policy issues and implementation. The National Coordinator chairs the QRT and, along with the Regional Audit Policy coordinators, serves as a point of contact on Audit Policy issues in the civil context.

##### *2. Criminal Violations*

Criminal disclosures are handled by the Voluntary Disclosure Board (VDB), which was established by EPA in 1997. The VDB ensures consistent application of the Audit Policy in the criminal context by centralizing Policy interpretation and application within the Agency.

Disclosures of potential criminal violations may be made directly to the VDB, to an EPA regional criminal investigation division or to DOJ. In all cases, the VDB coordinates with the investigative team and the appropriate prosecuting authority. During the course of the investigation, the VDB routinely monitors the progress of the investigation as necessary to ensure that sufficient facts have been established to determine whether to recommend that relief under the Policy be granted.

At the conclusion of the criminal investigation, the Board makes a recommendation to the Director of EPA's Office of Criminal Enforcement, Forensics, and Training, who serves as the Deciding Official. Upon receiving the Board's recommendation, the Deciding Official makes his or her final recommendation to the appropriate United States Attorney's Office and/or DOJ. The recommendation of the Deciding Official, however, is only that—a recommendation. The United States Attorney's Office and/or DOJ retain full authority to exercise prosecutorial discretion.

##### *3. Release of Information to the Public*

Upon formal settlement, EPA places copies of settlements in the Audit Policy Docket. EPA also makes other documents related to self-disclosures publicly available, unless the disclosing entity claims them as Confidential Business Information (and that claim is validated by U.S. EPA), unless another exemption under the Freedom of Information Act is asserted and/or applies, or the Privacy Act or any other law would preclude such release. Presumptively releasable documents include compliance agreements reached under the Policy (see Section H) and descriptions of compliance management systems submitted under Section D(1).

Any material claimed to be Confidential Business Information will be treated in accordance with EPA regulations at 40 CFR Part 2. In determining what documents to release, EPA is guided by the Memorandum from Assistant Administrator Steven A. Herman entitled "Confidentiality of Information Received Under Agency's Self-Disclosure Policy," available on the Internet at [www.epa.gov/oeca/sahmemo.html](http://www.epa.gov/oeca/sahmemo.html).

## II. Statement of Policy—Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations

### A. Purpose

This Policy is designed to enhance protection of human health and the environment by encouraging regulated entities to voluntarily discover, disclose, correct and prevent violations of Federal environmental requirements.

### B. Definitions

For purposes of this Policy, the following definitions apply:

"Environmental Audit" is a systematic, documented, periodic and objective review by regulated entities of facility operations and practices related to meeting environmental requirements.

"Compliance Management System" encompasses the regulated entity's documented systematic efforts, appropriate to the size and nature of its business, to prevent, detect and correct violations through all of the following:

- (a) Compliance policies, standards and procedures that identify how employees and agents are to meet the requirements of laws, regulations, permits, enforceable agreements and other sources of authority for environmental requirements;
- (b) Assignment of overall responsibility for overseeing compliance with policies, standards, and procedures, and assignment of specific responsibility for assuring compliance at each facility or operation;
- (c) Mechanisms for systematically assuring that compliance policies, standards and procedures are being carried out, including monitoring and auditing systems reasonably designed to detect and correct violations, periodic evaluation of the overall performance of the compliance management system, and a means for employees or agents to report violations of environmental requirements without fear of retaliation;
- (d) Efforts to communicate effectively the regulated entity's standards and procedures to all employees and other agents;
- (e) Appropriate incentives to managers and employees to perform in

accordance with the compliance policies, standards and procedures, including consistent enforcement through appropriate disciplinary mechanisms; and

(f) Procedures for the prompt and appropriate correction of any violations, and any necessary modifications to the regulated entity's compliance management system to prevent future violations.

"Environmental audit report" means the documented analysis, conclusions, and recommendations resulting from an environmental audit, but does not include data obtained in, or testimonial evidence concerning, the environmental audit.

"Gravity-based penalties" are that portion of a penalty over and above the economic benefit, *i.e.*, the punitive portion of the penalty, rather than that portion representing a defendant's economic gain from noncompliance.

"Regulated entity" means any entity, including a Federal, State or municipal agency or facility, regulated under Federal environmental laws.

### C. Incentives for Self-Policing

#### 1. No Gravity-Based Penalties

If a regulated entity establishes that it satisfies all of the conditions of Section D of this Policy, EPA will not seek gravity-based penalties for violations of Federal environmental requirements discovered and disclosed by the entity.

#### 2. Reduction of Gravity-Based Penalties by 75%

If a regulated entity establishes that it satisfies all of the conditions of Section D of this Policy except for D(1)—systematic discovery—EPA will reduce by 75% gravity-based penalties for violations of Federal environmental requirements discovered and disclosed by the entity.

#### 3. No Recommendation for Criminal Prosecution

(a) If a regulated entity establishes that it satisfies at least conditions D(2) through D(9) of this Policy, EPA will not recommend to the U.S. Department of Justice or other prosecuting authority that criminal charges be brought against the disclosing entity, as long as EPA determines that the violation is not part of a pattern or practice that demonstrates or involves:

- (i) A prevalent management philosophy or practice that conceals or condones environmental violations; or
- (ii) High-level corporate officials' or managers' conscious involvement in, or willful blindness to, violations of Federal environmental law;

(b) Whether or not EPA recommends the regulated entity for criminal prosecution under this section, the Agency may recommend for prosecution the criminal acts of individual managers or employees under existing policies guiding the exercise of enforcement discretion.

### 4. No Routine Request for Environmental Audit Reports

EPA will neither request nor use an environmental audit report to initiate a civil or criminal investigation of an entity. For example, EPA will not request an environmental audit report in routine inspections. If the Agency has independent reason to believe that a violation has occurred, however, EPA may seek any information relevant to identifying violations or determining liability or extent of harm.

### D. Conditions

#### 1. Systematic Discovery

The violation was discovered through:

- (a) An environmental audit; or
- (b) A compliance management system reflecting the regulated entity's due diligence in preventing, detecting, and correcting violations. The regulated entity must provide accurate and complete documentation to the Agency as to how its compliance management system meets the criteria for due diligence outlined in Section B and how the regulated entity discovered the violation through its compliance management system. EPA may require the regulated entity to make publicly available a description of its compliance management system.

#### 2. Voluntary Discovery

The violation was discovered voluntarily and not through a legally mandated monitoring or sampling requirement prescribed by statute, regulation, permit, judicial or administrative order, or consent agreement. For example, the Policy does not apply to:

- (a) Emissions violations detected through a continuous emissions monitor (or alternative monitor established in a permit) where any such monitoring is required;
- (b) Violations of National Pollutant Discharge Elimination System (NPDES) discharge limits detected through required sampling or monitoring; or
- (c) Violations discovered through a compliance audit required to be performed by the terms of a consent order or settlement agreement, unless the audit is a component of agreement terms to implement a comprehensive environmental management system.

### 3. Prompt Disclosure

The regulated entity fully discloses the specific violation in writing to EPA within 21 days (or within such shorter time as may be required by law) after the entity discovered that the violation has, or may have, occurred. The time at which the entity discovers that a violation has, or may have, occurred begins when any officer, director, employee or agent of the facility has an objectively reasonable basis for believing that a violation has, or may have, occurred.

### 4. Discovery and Disclosure Independent of Government or Third-Party Plaintiff

(a) The regulated entity discovers and discloses the potential violation to EPA prior to:

(i) The commencement of a Federal, State or local agency inspection or investigation, or the issuance by such agency of an information request to the regulated entity (where EPA determines that the facility did not know that it was under civil investigation, and EPA determines that the entity is otherwise acting in good faith, the Agency may exercise its discretion to reduce or waive civil penalties in accordance with this Policy);

(ii) Notice of a citizen suit;

(iii) The filing of a complaint by a third party;

(iv) The reporting of the violation to EPA (or other government agency) by a "whistleblower" employee, rather than by one authorized to speak on behalf of the regulated entity; or

(v) imminent discovery of the violation by a regulatory agency.

(b) For entities that own or operate multiple facilities, the fact that one facility is already the subject of an investigation, inspection, information request or third-party complaint does not preclude the Agency from exercising its discretion to make the Audit Policy available for violations self-discovered at other facilities owned or operated by the same regulated entity.

### 5. Correction and Remediation

The regulated entity corrects the violation within 60 calendar days from the date of discovery, certifies in writing that the violation has been corrected, and takes appropriate measures as determined by EPA to remedy any environmental or human harm due to the violation. EPA retains the authority to order an entity to correct a violation within a specific time period shorter than 60 days whenever correction in such shorter period of time is feasible and necessary to protect public health

and the environment adequately. If more than 60 days will be needed to correct the violation, the regulated entity must so notify EPA in writing before the 60-day period has passed. Where appropriate, to satisfy conditions D(5) and D(6), EPA may require a regulated entity to enter into a publicly available written agreement, administrative consent order or judicial consent decree as a condition of obtaining relief under the Audit Policy, particularly where compliance or remedial measures are complex or a lengthy schedule for attaining and maintaining compliance or remediating harm is required.

### 6. Prevent Recurrence

The regulated entity agrees in writing to take steps to prevent a recurrence of the violation. Such steps may include improvements to its environmental auditing or compliance management system.

### 7. No Repeat Violations

The specific violation (or a closely related violation) has not occurred previously within the past three years at the same facility, and has not occurred within the past five years as part of a pattern at multiple facilities owned or operated by the same entity. For the purposes of this section, a violation is:

(a) Any violation of Federal, State or local environmental law identified in a judicial or administrative order, consent agreement or order, complaint, or notice of violation, conviction or plea agreement; or

(b) Any act or omission for which the regulated entity has previously received penalty mitigation from EPA or a State or local agency.

### 8. Other Violations Excluded

The violation is not one which (a) resulted in serious actual harm, or may have presented an imminent and substantial endangerment, to human health or the environment, or (b) violates the specific terms of any judicial or administrative order, or consent agreement.

### 9. Cooperation

The regulated entity cooperates as requested by EPA and provides such information as is necessary and requested by EPA to determine applicability of this Policy.

### E. Economic Benefit

EPA retains its full discretion to recover any economic benefit gained as a result of noncompliance to preserve a "level playing field" in which violators do not gain a competitive advantage

over regulated entities that do comply. EPA may forgive the entire penalty for violations that meet conditions D(1) through D(9) and, in the Agency's opinion, do not merit any penalty due to the insignificant amount of any economic benefit.

### F. Effect on State Law, Regulation or Policy

EPA will work closely with States to encourage their adoption and implementation of policies that reflect the incentives and conditions outlined in this Policy. EPA remains firmly opposed to statutory environmental audit privileges that shield evidence of environmental violations and undermine the public's right to know, as well as to blanket immunities, particularly immunities for violations that reflect criminal conduct, present serious threats or actual harm to health and the environment, allow noncomplying companies to gain an economic advantage over their competitors, or reflect a repeated failure to comply with Federal law. EPA will work with States to address any provisions of State audit privilege or immunity laws that are inconsistent with this Policy and that may prevent a timely and appropriate response to significant environmental violations. The Agency reserves its right to take necessary actions to protect public health or the environment by enforcing against any violations of Federal law.

### G. Applicability

(1) This Policy applies to settlement of claims for civil penalties for any violations under all of the Federal environmental statutes that EPA administers, and supersedes any inconsistent provisions in media-specific penalty or enforcement policies and EPA's 1995 Policy on "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations."

(2) To the extent that existing EPA enforcement policies are not inconsistent, they will continue to apply in conjunction with this Policy. However, a regulated entity that has received penalty mitigation for satisfying specific conditions under this Policy may not receive additional penalty mitigation for satisfying the same or similar conditions under other policies for the same violation, nor will this Policy apply to any violation that has received penalty mitigation under other policies. Where an entity has failed to meet any of conditions D(2) through D(9) and is therefore not eligible for penalty relief under this Policy, it may still be eligible for penalty

relief under other EPA media-specific enforcement policies in recognition of good faith efforts, even where, for example, the violation may have presented an imminent and substantial endangerment or resulted in serious actual harm.

(3) This Policy sets forth factors for consideration that will guide the Agency in the exercise of its enforcement discretion. It states the Agency's views as to the proper allocation of its enforcement resources. The Policy is not final agency action and is intended as guidance. This Policy is not intended, nor can it be relied upon, to create any rights enforceable by any party in litigation with the United States. As with the 1995 Audit Policy, EPA may decide to follow guidance provided in this document or to act at variance with it based on its analysis of the specific facts presented. This Policy may be revised without public notice to reflect changes in EPA's approach to providing incentives for self-policing by

regulated entities, or to clarify and update text.

(4) This Policy should be used whenever applicable in settlement negotiations for both administrative and civil judicial enforcement actions. It is not intended for use in pleading, at hearing or at trial. The Policy may be applied at EPA's discretion to the settlement of administrative and judicial enforcement actions instituted prior to, but not yet resolved, as of the effective date of this Policy.

(5) For purposes of this Policy, violations discovered pursuant to an environmental audit or compliance management system may be considered voluntary even if required under an Agency "partnership" program in which the entity participates, such as regulatory flexibility pilot projects like Project XL. EPA will consider application of the Audit Policy to such partnership program projects on a project-by-project basis.

(6) EPA has issued interpretive guidance addressing several

applicability issues pertaining to the Audit Policy. Entities considering whether to take advantage of the Audit Policy should review that guidance to see if it addresses any relevant questions. The guidance can be found on the Internet at [www.epa.gov/oeca/ore/apolguid.html](http://www.epa.gov/oeca/ore/apolguid.html).

#### *H. Public Accountability*

EPA will make publicly available the terms and conditions of any compliance agreement reached under this Policy, including the nature of the violation, the remedy, and the schedule for returning to compliance.

#### *I. Effective Date*

This revised Policy is effective May 11, 2000.

Dated: March 30, 2000.

**Steven A. Herman,**

*Assistant Administrator for Enforcement and Compliance Assurance.*

[FR Doc. 00-8954 Filed 4-10-00; 8:45 am]

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 06 2011

REPLY TO THE ATTENTION OF:

LR-8J

**CERTIFIED MAIL 7009 1680 0000 7644 8000**  
**RETURN RECEIPT REQUESTED**

Mr. Craig M. Caldwell  
Superintendent - Environmental  
National Railroad Passenger Corporation  
30<sup>th</sup> Street Station  
2955 Market Street  
Box 13  
Philadelphia, Pennsylvania 19104

Re: Compliance Evaluation Inspection  
Chicago Lumber Street Maintenance Facility

Dear Mr. Caldwell:

On August 3 and 6, 2010, a representative of the U.S. Environmental Protection Agency inspected the National Railroad Passenger Corporation (Amtrak) Chicago Lumber Street Maintenance Facility in Chicago, Illinois ("the Lumber Street facility" or "the facility"). The purpose of the inspection was to evaluate the Lumber Street facility's compliance with the Standards Applicable to Generators of Hazardous Waste, Standards for Land Disposal Restrictions, and Management of Used Oil set forth at 35 Illinois Administrative Code (IAC), Title 35: Environmental Protection, Subtitle G: Waste Disposal, Chapter I: Pollution Control Board, and Title 40 of Code of Federal Regulations (40 CFR) Parts 262 to 265, 268 and 279, respectively. Enclosed please find a copy of our inspection report.

On December 9, 2008, EPA sent a letter to Amtrak requesting information regarding waste generation at the Lumber Street facility, waste determinations and copies of material safety data sheets (MSDSs). Amtrak responded by letter dated January 21, 2009, providing at that time the following: MSDSs for its Champ Foaming Cleaner and Sprayon Dry Graphite Lube; month-to-month waste generation documentation for the period August 2007 through September 2008; and a spreadsheet which identified waste streams generated at the facility along with methods of waste determination for each.





On November 24, 2009, EPA sent another letter to Amtrak requesting information similar to its December 2008 request. Amtrak responded by letter dated January 8, 2010. At that time, Amtrak provided analytical data referred to in Amtrak's earlier Corrective Action Plan, dated July 16, 2009; the facility's month-to-month waste generation documentation for the period June 2008 through July 2009; and a waste determination spreadsheet.

Based on the EPA's August 2010 inspection, and its review of the information provided by Amtrak in January 2009 and January 2010, EPA did not identify any violations of the specific requirements under evaluation. This determination does not limit the applicability of the requirements evaluated, other hazardous waste regulations, or regulations under other environmental statutes. EPA and the Illinois Environmental Protection Agency will continue to evaluate the Lumber Street facility in the future.

If you have any questions regarding this matter, feel free to contact Mr. Michael Valentino, of my staff, at (312) 886-4582.

Sincerely,



Paul Little, Acting Chief  
RCRA Branch  
Land and Chemicals Division

Enclosure

cc: Todd Marvel, Illinois Environmental Protection Agency (w/ enclosure)  
([todd.marvel@illinois.gov](mailto:todd.marvel@illinois.gov))  
Ellen J. Jurczak, National Railroad Passenger Corporation (w/ enclosure)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 W. JACKSON BOULEVARD  
CHICAGO, IL 60604

COMPLIANCE EVALUATION INSPECTION REPORT

MEMORANDUM TO FILE

INSTALLATION NAME: National Railroad Passenger Corporation (Amtrak)  
Chicago Lumber Street Maintenance Facility

U.S. EPA ID No.: ILD984906784

LOCATION ADDRESS: 1400-1700 Lumber Street  
Chicago, Illinois 60607

NAIC CODE:

DATES OF INSPECTION: August 3 and 6, 2010

U.S. EPA INSPECTOR: Michael Valentino

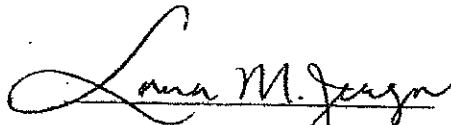
PREPARED BY:



Michael Valentino  
Environmental Engineer

9-28-11  
Date

REVIEWED BY:



Lorna M. Jereza, Chief  
Compliance Section 1  
RCRA Branch

9/28/11  
Date

### **Purpose of Inspection:**

The purpose of the inspection was to perform an unannounced compliance evaluation inspection (CEI) of the National Railroad Passenger Corporation (Amtrak) Chicago Lumber Street Maintenance Facility (hereinafter, "the facility" or "the Lumber Street facility"), a conditionally exempt small quantity generator of hazardous waste, to determine its compliance with the Resource Conservation and Recovery Act, specifically the Standards Applicable to Generators of Hazardous Waste, Standards for Land Disposal Restrictions, and Management of Used Oil set forth at 35 Illinois Administrative Code (IAC), Title 35: Environmental Protection, Subtitle G: Waste Disposal, Chapter I: Pollution Control Board, and Title 40 of Code of Federal Regulations (40 CFR) Parts 262 to 265, 268 and 279, respectively.

### **Participants:**

Susan McFaul, Field Environmental Specialist, (ph: 312-655-3564), represented Amtrak on both days of the inspection. Ellen Jurczak, Senior Environmental Coordinator (ph: 312-880-5310), was present on August 6, 2010. Michael Valentino, RCRA Branch, Land and Chemicals Division, represented EPA Region 5.

### **Installation Description:**

The Lumber Street facility extends from Taylor Street on the north to 18<sup>th</sup> Street on the south and borders the western bank of the south branch of the Chicago River. At the facility, Amtrak conducts general service and inspection of its passenger trains as well as maintenance of its passenger cars and locomotives. The facility operates on a 24/7 basis. Amtrak employs approximately 1000 at this location, of which about 600 are mechanical personnel involved with maintenance of Amtrak equipment.

### **Background:**

As part of its corporate-wide Environmental Management System (EMS), Amtrak conducts scheduled environmental compliance audits at its major and medium-sized facilities nationwide. Amtrak's audit program was reviewed by EPA Region 1 and incorporated into a Clean Water Act consent decree between Amtrak and EPA in 2001. While the terms of the consent decree have been met, Amtrak continues to conduct its EMS audits.

In recent years, Amtrak has discovered – and reported to EPA – several RCRA violations at its Lumber Street facility. These have occurred in 2004, 2008 and 2009.

From July 19, 2004 through July 22, 2004, Amtrak audited its Lumber Street facility. At that time, Amtrak discovered that a waste determination had not been conducted for waste lead solder, spent solvent and other waste materials generated at the facility. At the time the facility lacked supporting documentation for waste determinations. As its corrective action, Amtrak proposed to have a local laboratory analyze the materials for which generator knowledge could not be used to make a waste determination. The waste determinations would be kept on file and

any wastes requiring off-site disposal would be managed properly. Amtrak also committed to conducting and maintaining in its records waste determinations for all existing and new waste streams at the facility.

From August 11, 2008 through August 14, 2008, Amtrak conducted another EMS audit at the facility. During the audit, Amtrak discovered that a waste stream had not been characterized and that a drum containing this waste stream was not labeled "hazardous waste." Amtrak's audit determined that the facility failed to make a waste determination. The facility subsequently relied upon generator knowledge and the material safety data sheets for the waste stream to determine that it was non-hazardous.

From July 13, 2009 through July 16, 2009, Amtrak conducted another EMS audit at the facility. During the audit, the facility was unable to provide analytical data supporting waste determinations for its oily water, bridge grease, dissolved air flotation (DAF) wastewater, DAF sludge and aqueous parts washer solution. As part of its corrective action plan, the facility was to obtain and maintain on file analytical data for these waste streams.

Although Amtrak has been diligent in the conduct of its EMS audits and has self-reported in a timely fashion each of the above (and other) violations, there appears to be an historical pattern of failing to consistently characterize waste streams at this facility.

#### **Information Gathering:**

On December 9, 2008, EPA sent a letter to Amtrak requesting information regarding waste generation, waste determinations and copies of material safety data sheets (MSDSs). Amtrak responded by letter dated January 21, 2009.<sup>1</sup> Amtrak provided copies of the MSDSs for its Champ Foaming Cleaner and Sprayon Dry Graphite Lube. (Attachment No. 1) Amtrak also provided month-to-month waste generation documentation for the period August 2007 through September 2008. (Attachment No. 2) Finally, Amtrak provided a spreadsheet which identified waste streams generated at the facility along with methods of waste determination for each. (Attachment No. 3)

On November 24, 2009, EPA sent another letter to Amtrak requesting that Amtrak describe how it met all nine criteria listed in EPA's Audit Policy.<sup>2</sup> EPA asked for information similar to its December 2008 request. Amtrak responded by letter dated January 8, 2010.<sup>3</sup> Amtrak provided analytical data (ten analyses) referred to in Amtrak's earlier Corrective Action Plan, dated July 16, 2009. (Too voluminous to attach to this report) Amtrak also provided month-to-month waste generation documentation for the period June 2008 through July 2009. (Attachment No. 4) Finally, Amtrak provided a spreadsheet which identified waste streams generated at the facility along with methods of waste determination for each. (Attachment No. 5)

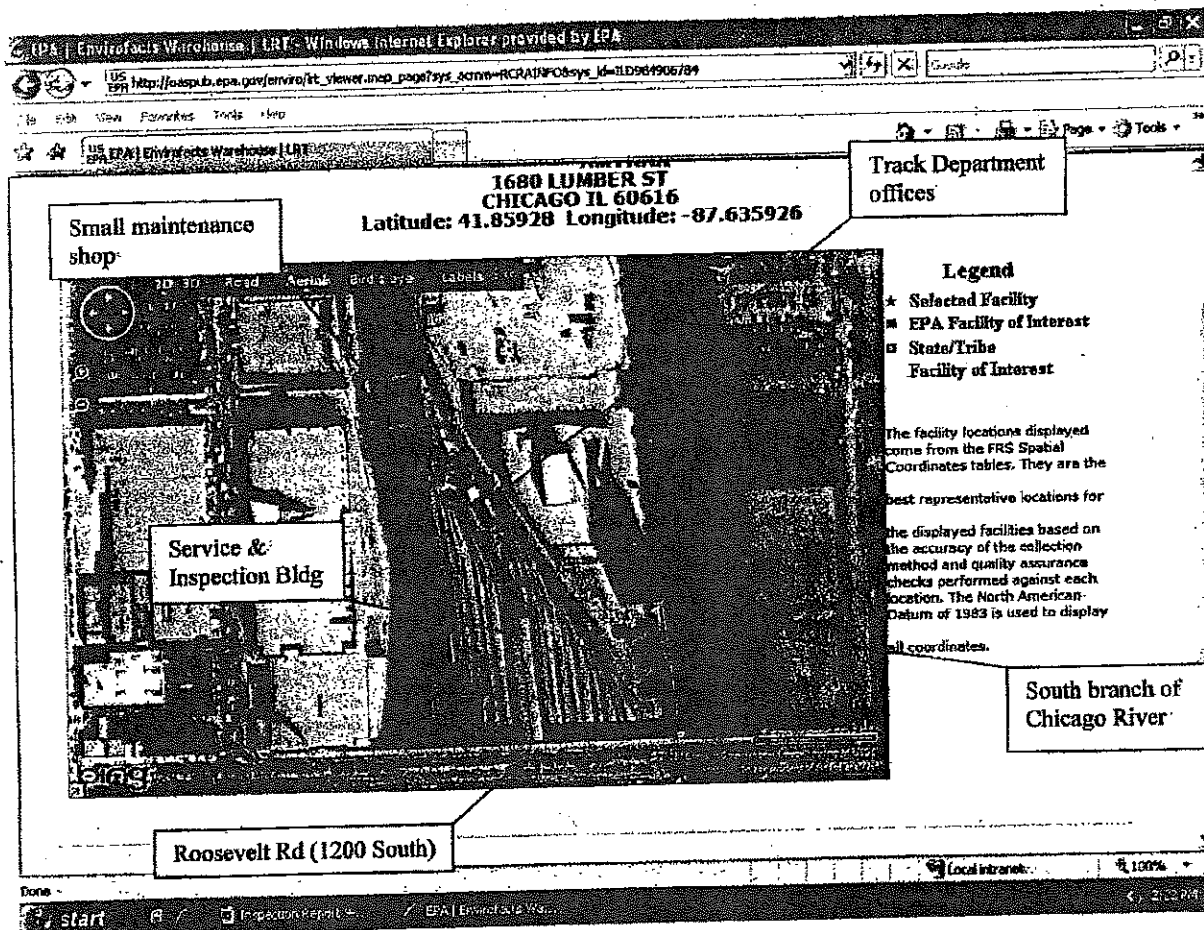
<sup>1</sup> Letter from Craig M. Caldwell, Environmental Superintendent, EHS Department, to Michael Valentino, EPA Region 5.

<sup>2</sup> "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations; Final Policy Statement, 65 Fed. Reg. 19618, April 11, 2000 (Audit Policy).

<sup>3</sup> Letter from Mr. Caldwell to Jamie Paulin, EPA Region 5.

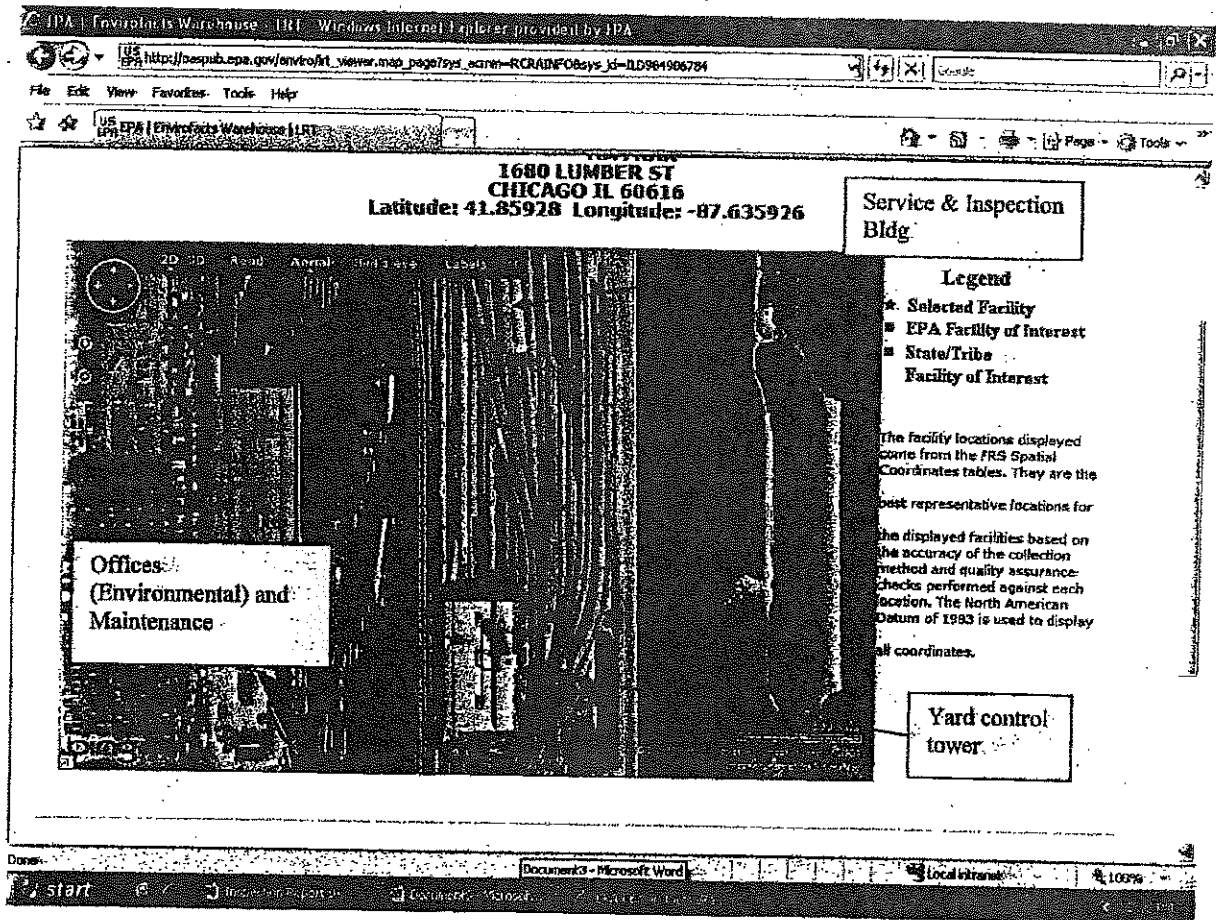
## Aerial Views of Site:<sup>4</sup>

### Lumber Street Facility – Aerial View of North End



<sup>4</sup> From: [http://oaspub.epa.gov/enviro/lrt\\_viewer.map\\_page?sys\\_acnm=RCRAINFO&sys\\_id=ILD984906784](http://oaspub.epa.gov/enviro/lrt_viewer.map_page?sys_acnm=RCRAINFO&sys_id=ILD984906784)

# Lumber Street Facility - Aerial View of Central Portion of Facility



## Lumber Street Facility – Aerial View of South End

1680 LUMBER ST  
CHICAGO IL 60616  
Latitude: 41.85928 Longitude: -87.635926

Closed St. Charles  
Airline Bridge on west  
bank of Chicago River

**Legend**

- ★ Selected Facility
- EPA Facility of Interest
- State/Tribe Facility of Interest

8000 gal used oil tank and 20,000 gal crankcase oil tank

method and quality assurance checks performed against each location. The North American Datum of 1983 is used to display all coordinates.

AMTRAK

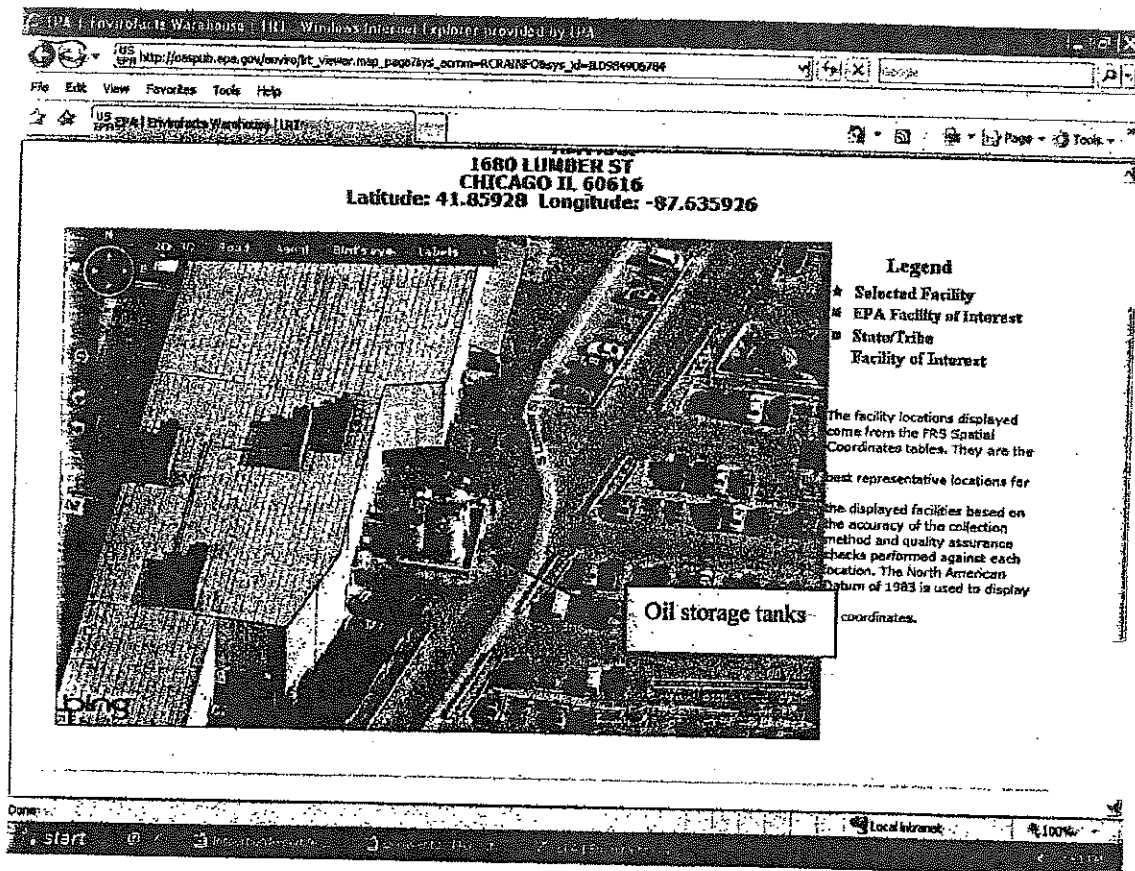
start

Local Internet

100%



## Lumber Street Facility – Bird's Eye View of South End



### Opening Conference:

I arrived at the facility at approximately 1:30 pm on Tuesday, August 3, 2010. I entered through the north end security checkpoint, from Roosevelt Road. I showed the guard my enforcement credentials and he allowed me to proceed. I drove to the south end of the site and entered a building located just south of the closed St. Charles Airline Bridge (which is on the west side of the Chicago River, north of 18<sup>th</sup> Street). I looked around for employees and when someone approached me I said that I was looking for Ms. Jurczak or someone else from the environmental department. I called Ms. Jurczak's number on my cell phone. I was told to contact Ms. McFaul, who was on-site. Ms. Jurczak's office is at Amtrak's downtown Chicago offices. I called Ms. McFaul and she directed me to the building where her office was housed, on the west end of the site, just south of 14<sup>th</sup> Street.

Ms. McFaul's office is located on the third floor of this building. Because of the number of contractors on-site on the day of the inspection, it was difficult to find a parking place. It was

2:00 pm by time I arrived at Ms. McFaul's office. When we met I showed her my enforcement credentials and explained the nature of my visit.

She told me that visitors to the site must receive three hours of training. Given the constant movement of locomotives and heavy equipment, and the need to drive over or walk past a number of live tracks, there are inherent dangers present for any visitor or employee on-site. Ms. McFaul contacted the senior environmental office and engineering department. Amtrak agreed to waive the three-hour training session, but I would need to have an abbreviated safety orientation prior to doing a facility walk-through. We agreed that I would conduct a records review on August 3<sup>rd</sup> and return that Friday, August 6<sup>th</sup>, to complete the inspection by doing the walk-through.

#### Records Review:

I told Ms. McFaul that I wanted to review shipping manifests and waste profiles. Ms. McFaul stated that the site does not generate hazardous waste.

Ms. McFaul provided me with a copy of the facility's waste determination table (similar to table provided by Amtrak with its January 21, 2009 letter). (See Attachment No. 6)

Ms. McFaul provided me with a copy of the facility's month-to-month waste generation documentation (similar to table provided by Amtrak with its January 21, 2009 letter), for the period, June 2008 through July 2009. (See Attachment No. 7)

Upon request, Ms. McFaul produced copies of the facility's 2008 and 2009 non-hazardous waste reports which were submitted to the Illinois Environmental Protection Agency, dated January 28, 2009, and January 27, 2010, respectively. (See Attachment No. 8)

During the inspection, Ms. McFaul provided MSDSs for two aqueous parts cleaners and for locomotive batteries. (See Attachment No. 9)

I received and reviewed all manifests for calendar years 2009-2010. These manifests are summarized in the following table:

Manifest Number	Description	Quantity	Date	Location	Shipper
IL8768829	Wastewater from EQ pond <sup>5</sup>	2500 gal	1/12/09	1/12/09	Tierra Environmental East Chicago, IN IND042329631
IL8768830	Wastewater from EQ pond	2500 gal	1/13/09	1/13/09	Tierra Environmental East Chicago, IN IND042329631

<sup>5</sup> This manifest (and the two following in the table, IL8768830 and IL8768832) did not have a description of the material shipped. Ms. McFaul told the inspector the shipments were wastewater from the equalization pond. She said the waste stream was non-hazardous.

IL8768832	Wastewater from EQ pond	2000 gal	1/13/09	1/13/09	Tierra Environmental East Chicago, IN IND042329631
000036811MW1	Non-haz, non-DOT regulated, gear lube oil spill	9 drums (2700 lbs)	2/12/09	n/d <sup>6</sup>	Spring Grove Resource Recovery Cincinnati, OH OHD000816629
00036897MW1	Non-haz, non-DOT regulated	15 tons (roll-off)	3/30/09	n/d	Waste Management Pheasant Run Recycling and Disposal Facility Bristol, WI
IL8768833	Waste oil	1 tote (1700 gal)	3/31/09	3/31/09	Tierra Environmental East Chicago, IN IND042329631
000036915MW1	Non-DOT regulated material (used oil and water)	5 drums (1000 lbs) 1 fiber drum (125 lbs)	4/27/09	n/d	Clean Harbors Chattanooga, TN TN882141382
IL8768834	Non-haz waste oil	1 tote (1800 gal)	6/16/09	6/16/09	Tierra Environmental East Chicago, IN IND042329631
IL8768835	Non-haz oil and water	1 tote (1800 gal)	n/d	Illeg. <sup>7</sup>	Tierra Environmental East Chicago, IN IND042329631
006375404JJK	Non-haz used oil	1 tote	n/d	n/d	Southwest Oil East Chicago, IN INR000111054
000037042MW1	Non-DOT regulated material (used oil and water)	500 lbs	8/12/09	n/d	Clean Harbors Chattanooga, TN TN882141382
0045011959JJK	Non-DOT regulated, non-haz liquid	1 tote (1200 gal)	9/14/09	9/14/09	Tierra Environmental East Chicago, IN IND042329631
00450119609JJK	Non-DOT regulated, non-haz liquid	500 gal	9/14/09	9/14/09	Tierra Environmental East Chicago, IN IND042329631
0045011961JJK	Non-DOT regulated, non-haz liquid	1500 gal	9/15/09	9/15/09	Tierra Environmental East Chicago, IN IND042329631
IL8768831	Oil in water	600 gal	10/5/09	10/5/09	Tierra Environmental East Chicago, IN IND042329631
005172097JJK	PCB, Liquid, 9.0, UN2315, PGII	9090 kg	12/3/09	12/11/09	Clean Harbors Twinsburg, OH OHD986975399
000036108MW1	Non-RCRA haz waste solids (absorbent)	4 drums (1200 lbs)	1/14/10	n/d	Clean Harbors Chattanooga, TN TN882141382
006499723JJK	RQ, Haz waste, solid, n.o.s., 9 NA3077, PGIII (Mercury) D009	2 drums (500 lbs)	3/23/10	n/d	Lighting Resources LLC Greenwood, IN IN0000351387

<sup>6</sup> n/d = No date, no signature.

<sup>7</sup> Date facility received was illegible. Date signed by transporter was 6/22/09.

IL8768840	Non-haz oil sludge	1200 gal	6/18/10	n/d	Tierra Environmental East Chicago, IN IND042329631
IL8768838	Waste oil	1500 gal	6/19/10	n/d	Tierra Environmental East Chicago, IN IND042329631

I presented Ms. McFaul with Region 5 Pollution Prevention (P2) contact information and State Agency P2 contact information fact sheet and the Illinois Waste Management and Research Center (WMRC) brochure entitled, "SUSTAINABLE SOLUTIONS – A COOPERATIVE PROGRAM FOR ILLINOIS INDUSTRY." I also gave Ms. McFaul a copy of the EPA Small Businesses Resources fact sheet.

#### **Installation Walk-through:**

I returned to the facility on Friday, August 6, 2010. I arrived on-site at 8:00 am and proceeded to Ms. McFaul's office. I went to the third floor and arrived at her office at 8:05 am. Ms. Jurczak was also present. At 8:10 am, the three of us walked north to the Track Department. At 8:25 am, we met with James Coburn, who conducted a brief safety meeting for my benefit. The safety briefing lasted 15-20 minutes. We began the walk-through immediately after the safety briefing. A spotter was assigned to us to ensure our safety in crossing tracks in while walking through buildings were locomotives, cars and machinery might be moving.

During the course of the walk-through, I took seventeen (17) photographs on a Nikon Coolpix P4 digital camera, with 8.1 megapixel resolution. The photographs were downloaded to a JPG file, with original dimensions of approximately 3300 x 2400 pixels, and horizontal and vertical resolution of 300 dpi. These photographs are contained below within the body of this narrative. They are true and representative of the conditions I observed at the installation on the date of the CEL. All photographs were taken between 8:45 am and 9:35 am CDT on August 6, 2010. Descriptions of the photographs are provided directly below each.

We began the walk-through in a small maintenance shop in the center of the facility, north of 14<sup>th</sup> Street, and worked our way south, stopping at the Service and Inspection building and then the Car Shop. We eventually worked our way south through the facility, including a visit to the wastewater treatment building (Photos 7-9) and to the outdoor used oil tank (Photo 11).

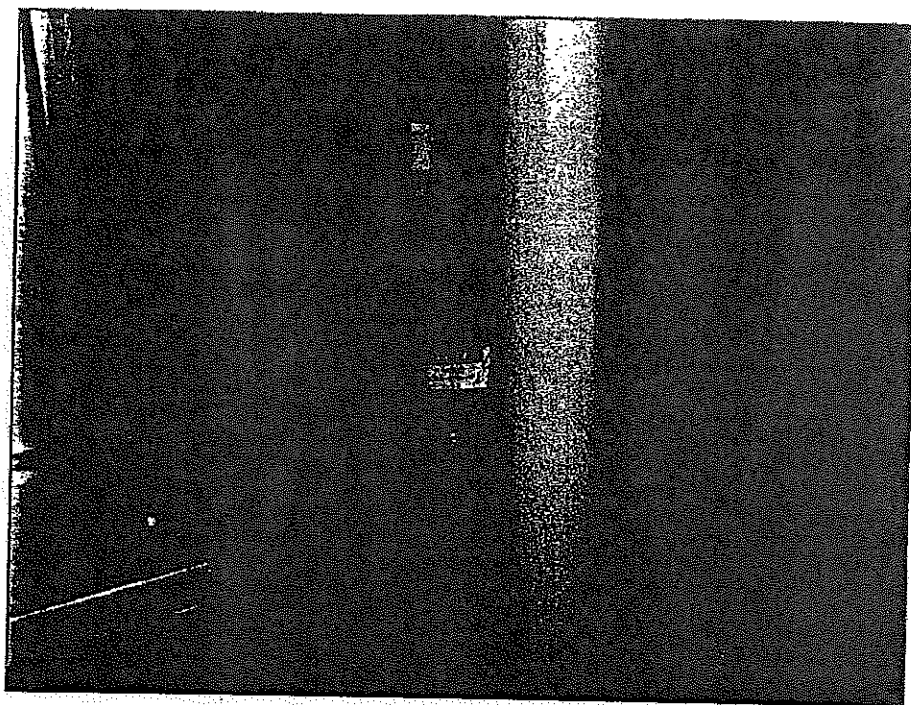


Photo 1 By: Michael Valentino	Amtrak Lumber Street Maintenance Facility
8-6-10 8:45 am	Service & Inspection Bldg. Aerosol can crusher.
Orientation: Southeast	

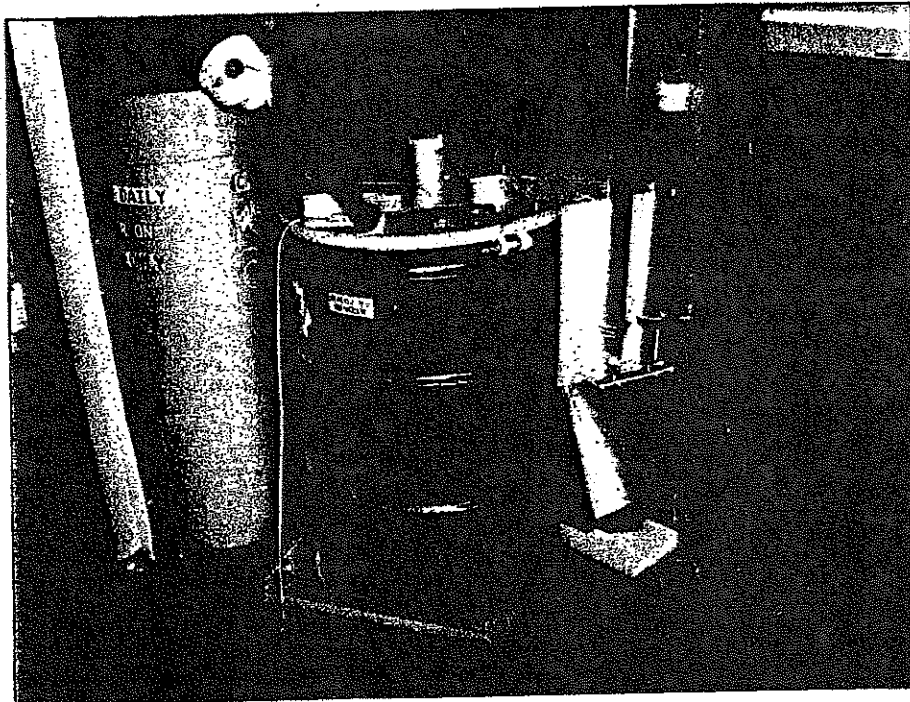


Photo 2 By: Michael Valentino	Amtrak Lumber Street Maintenance Facility
8-6-10 8:53 am	Car Shop. Bulb crusher.
Orientation: West	

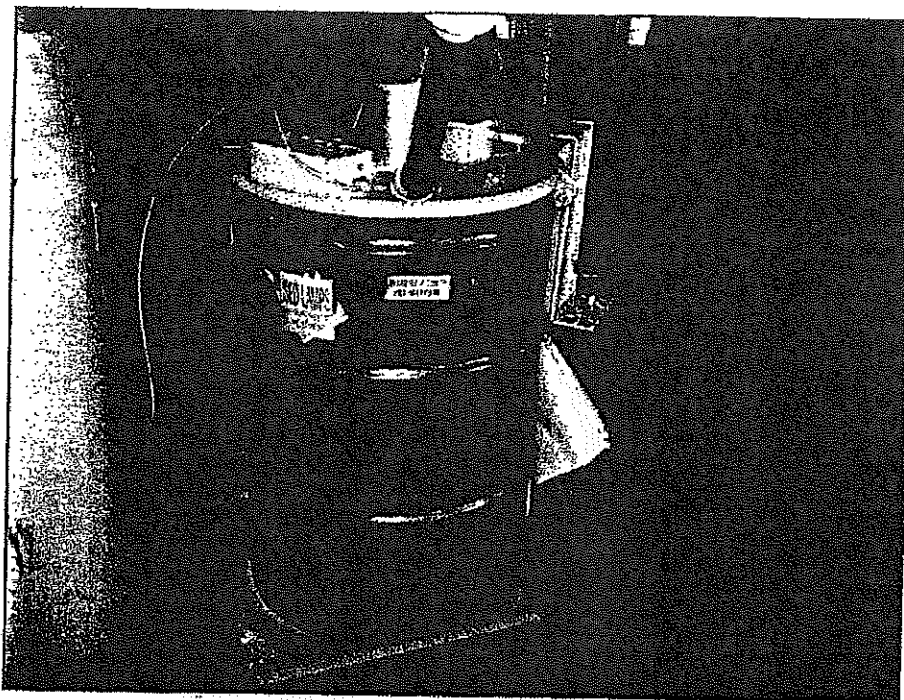


Photo 3 By: Michael Valentino	Amtrak Lumber Street Maintenance Facility
8-6-10 8:53 am	Car Shop. Bulb crusher.
Orientation: West-Northwest	

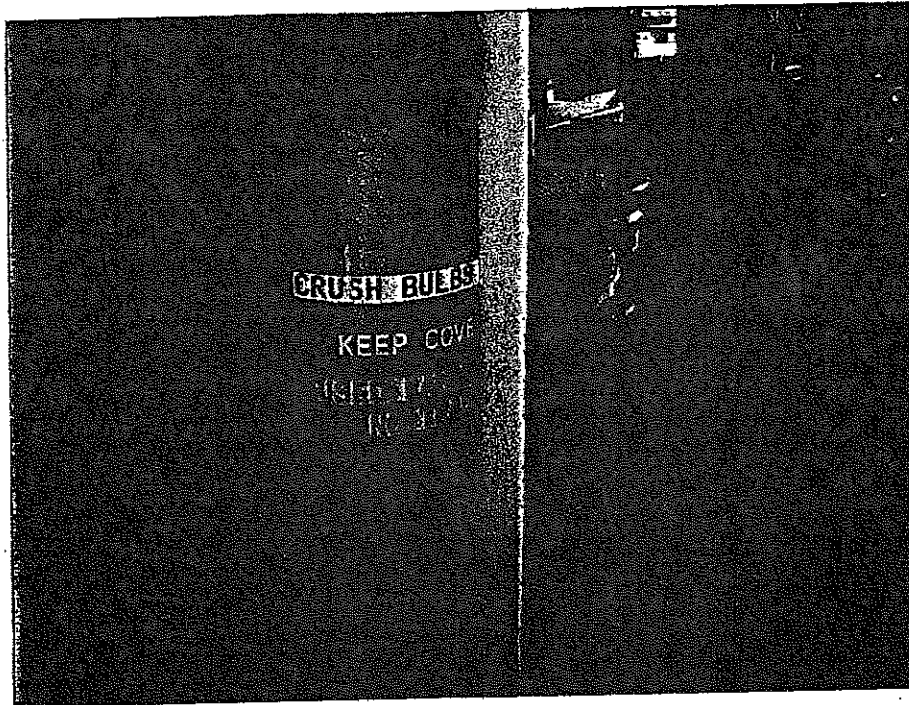


Photo 4 By: Michael Valentino	Amtrak Lumber Street Maintenance Facility
8-6-10 8:53 am	Car Shop. Used bulb container. Container is properly
Orientation: Northwest	labeled, closed and in good condition.



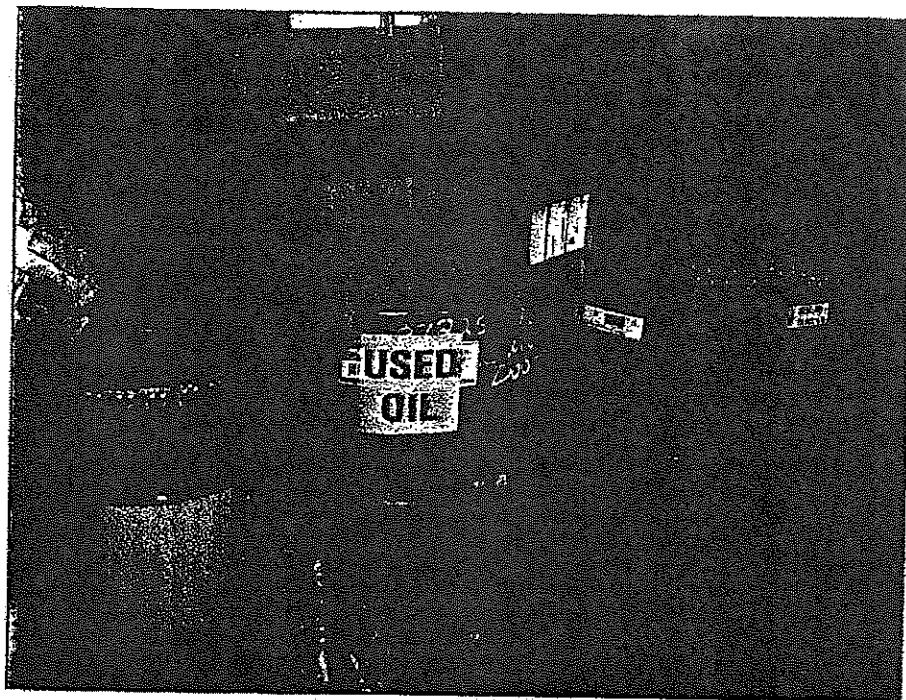


Photo 5 By: Michael Valentino	Amtrak Lumber Street Maintenance Facility
8-6-10 8:56 am	Car Shop. Used oil container. Drum is properly labeled
Orientation: West	and the lid was fastened properly and sealed.

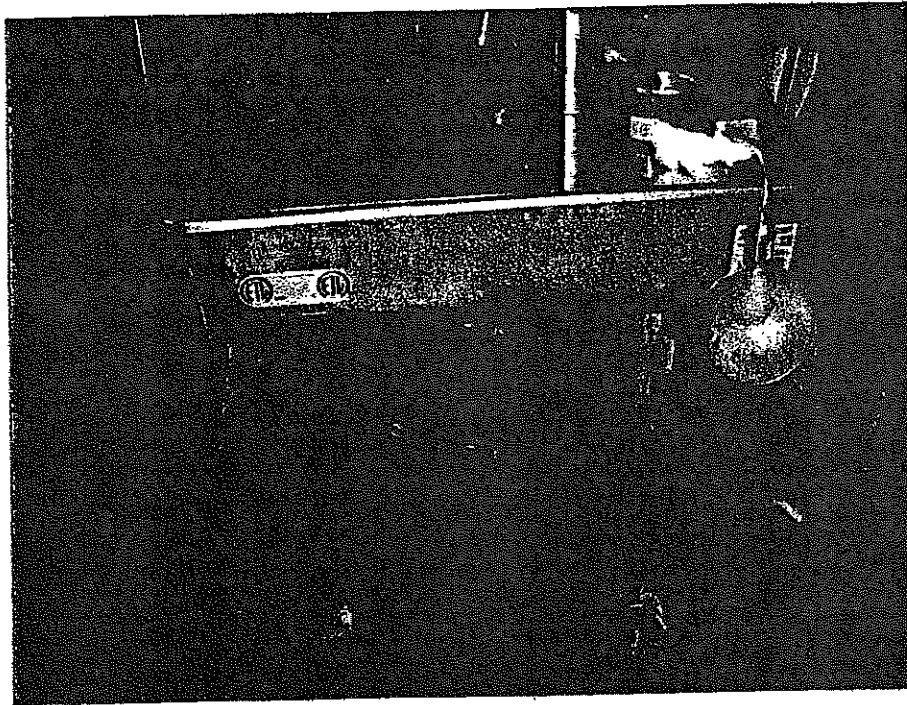


Photo 6 By: Michael Valentino	Amtrak Lumber Street Maintenance Facility
8-6-10 9:00 am	Car Shop. Forklift repair area. Parts washer.
Orientation: West	

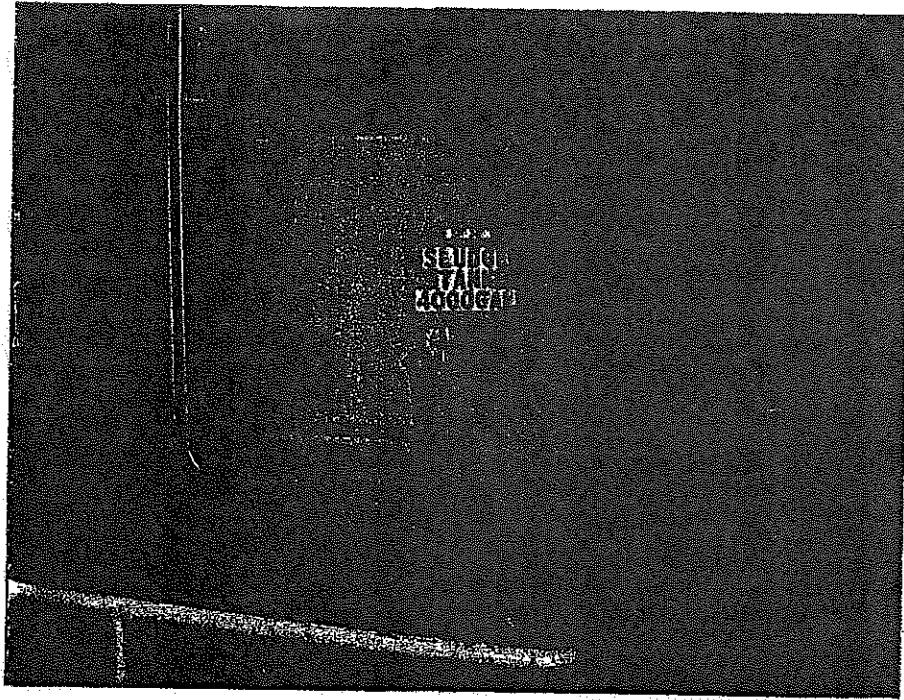


Photo 7 By: Michael Valentino	Amtrak Lumber Street Maintenance Facility
8-6-10 9:13 am	Wastewater Treatment Room. Sludge tank.
Orientation: Northwest	

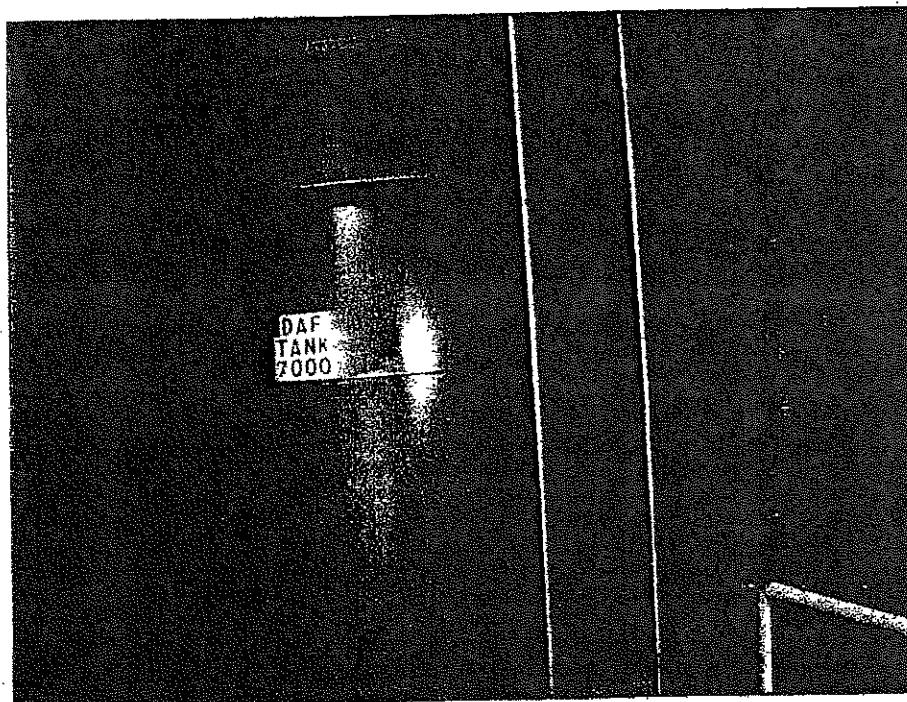


Photo 8 By: Michael Valentino	Amtrak Lumber Street Maintenance Facility
8-6-10 9:13 am	Wastewater Treatment Room. Dissolved Air Flotation tank.
Orientation: Northwest	

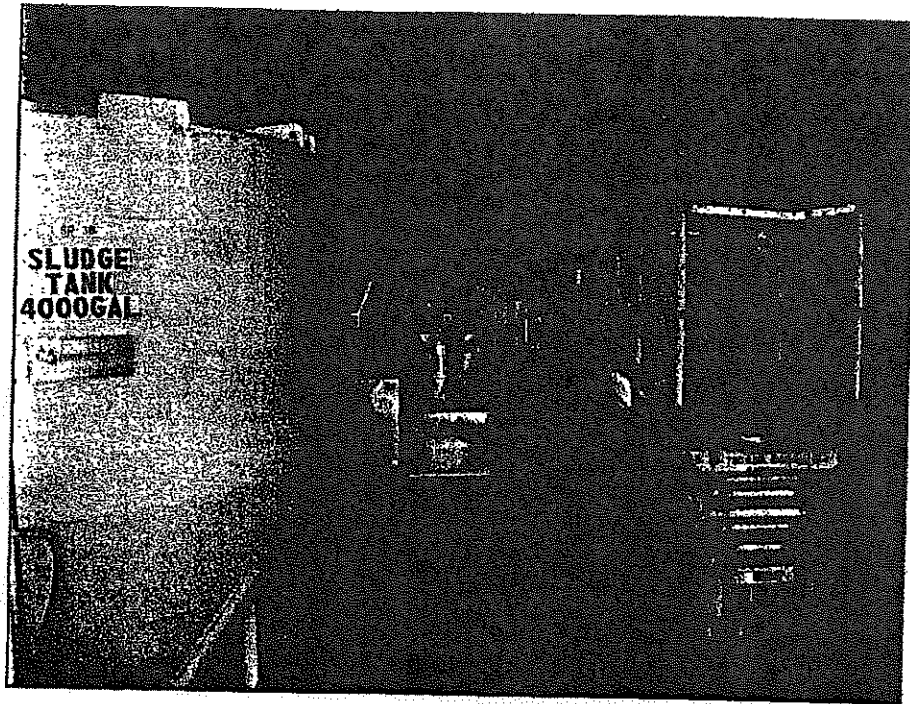


Photo 9 By: Michael Valentino	Amtrak Lumber Street Maintenance Facility
8-6-10 9:13 am	Wastewater Treatment Room. Chemicals metering
Orientation: North	equipment and piping.

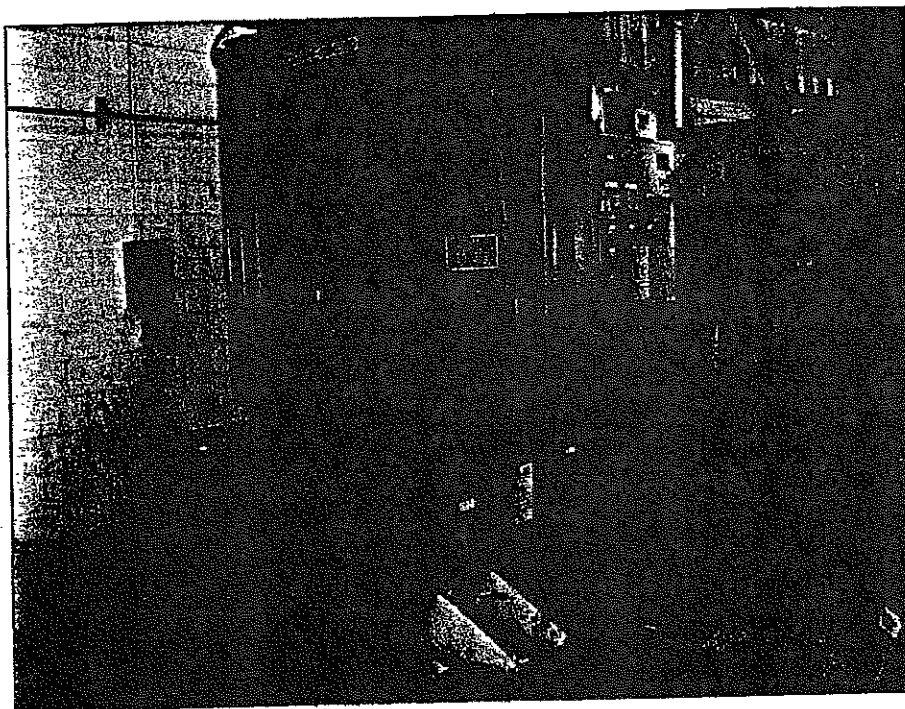


Photo 10 By: Michael Valentino	Amtrak Lumber Street Maintenance Facility
8-6-10 9:18 am	Proceco parts washer.
Orientation: Southeast	

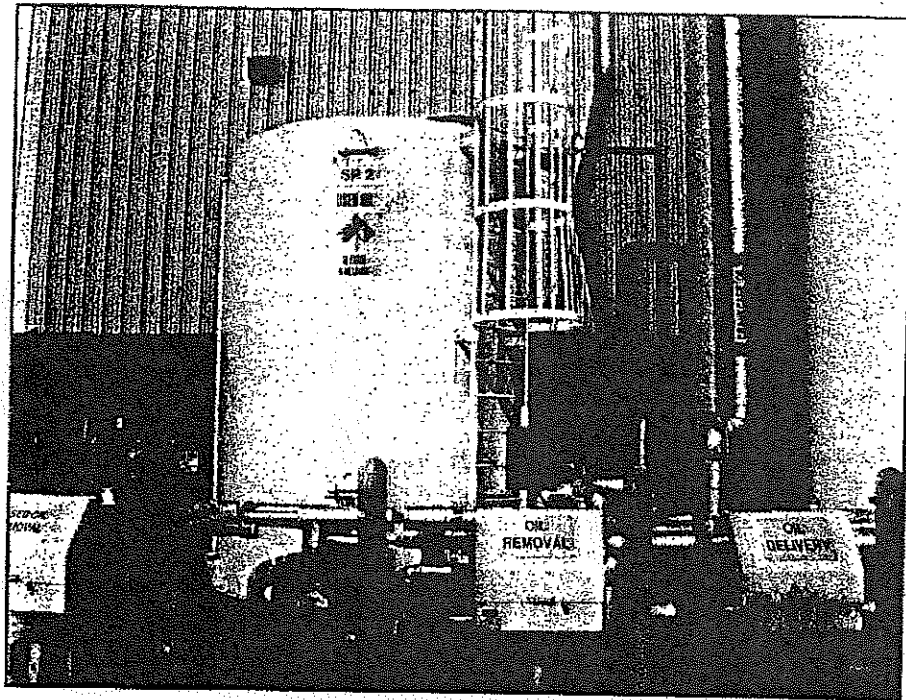


Photo 11 By: Michael Valentino	Amtrak Lumber Street Maintenance Facility
8-6-10 9:20 am	Double-walled 8000-gal used oil storage tank.
Orientation: West	

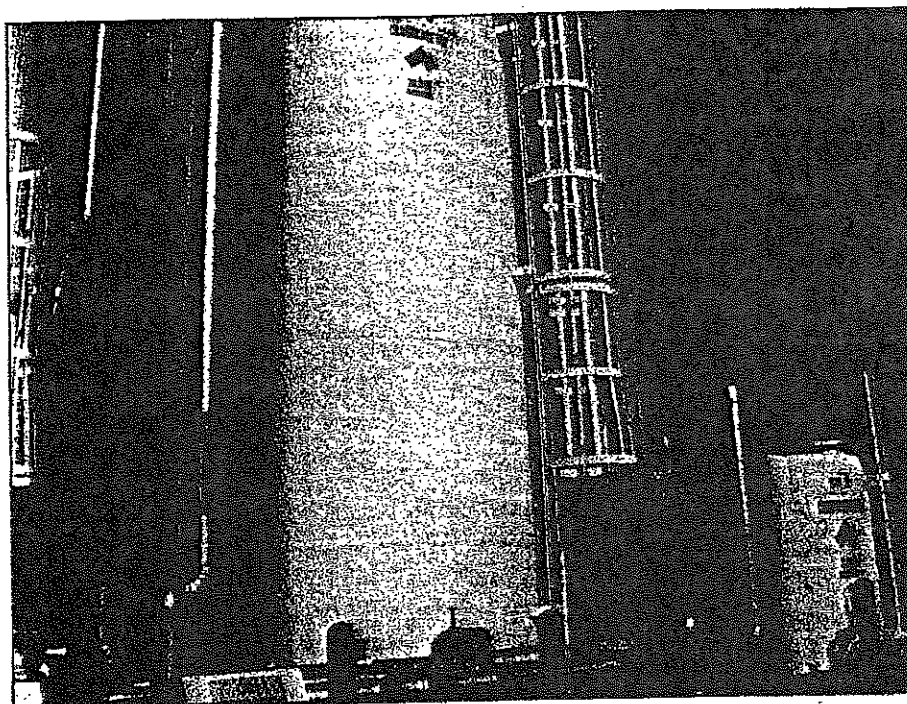


Photo 12 By: Michael Valentino	Amtrak Lumber Street Maintenance Facility
8-6-10 9:20 am	20,000-gal crankcase oil tank.
Orientation: Northwest	



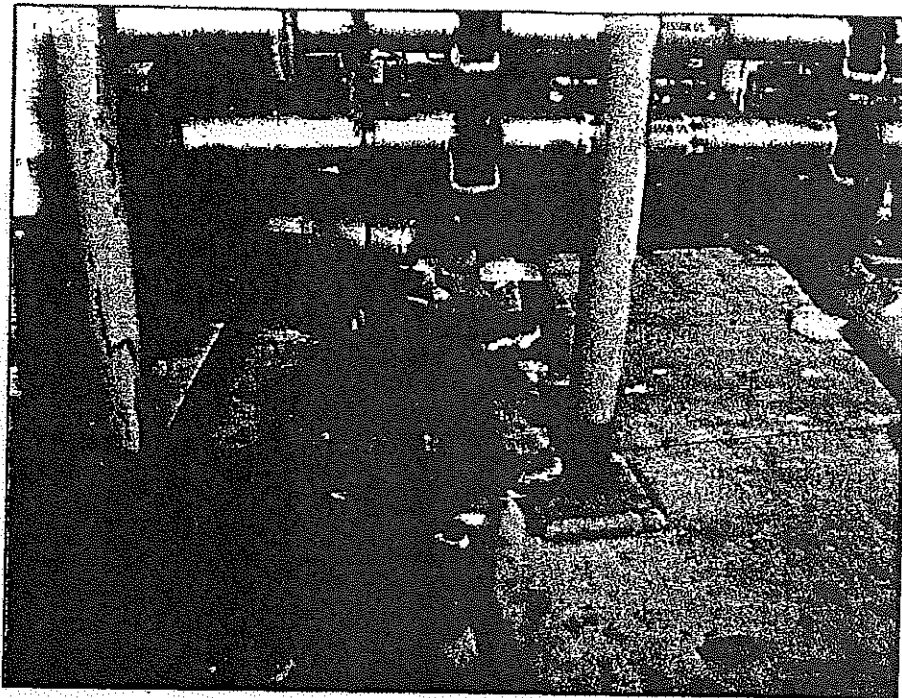


Photo 13	By: Michael Valentino	Amtrak Lumber Street Maintenance Facility
8-6-10	9:20 am	Manhole leading to wastewater treatment in containment
Orientation: West (downward)		area beneath jacketed compressor oil pipes.

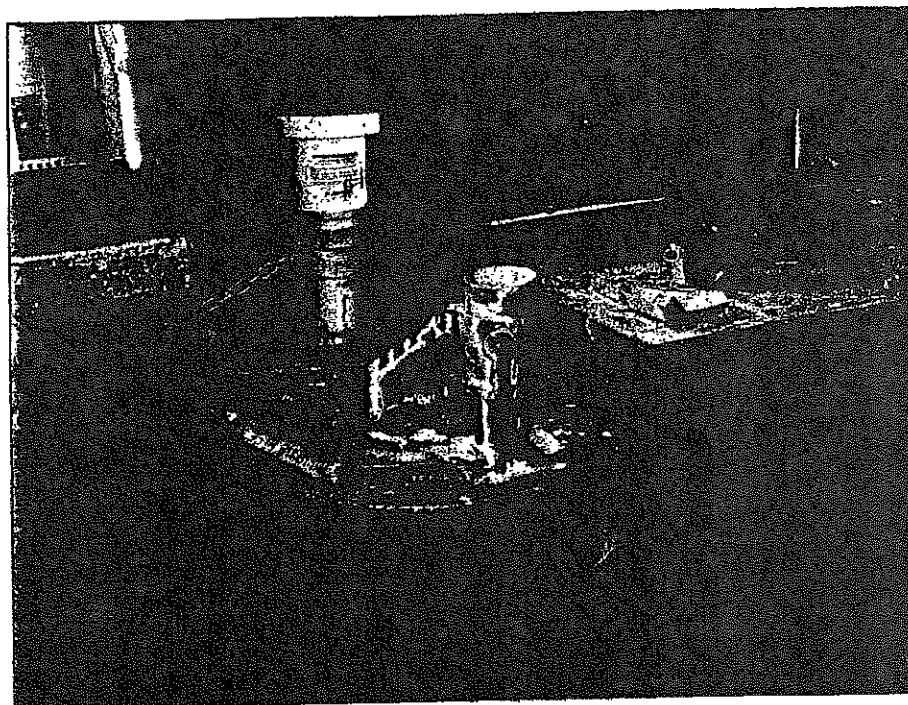


Photo 14 By: Michael Valentino	Amtrak Lumber Street Maintenance Facility
8-6-10 9:29 am	Aerosol can crusher.
Orientation: East	

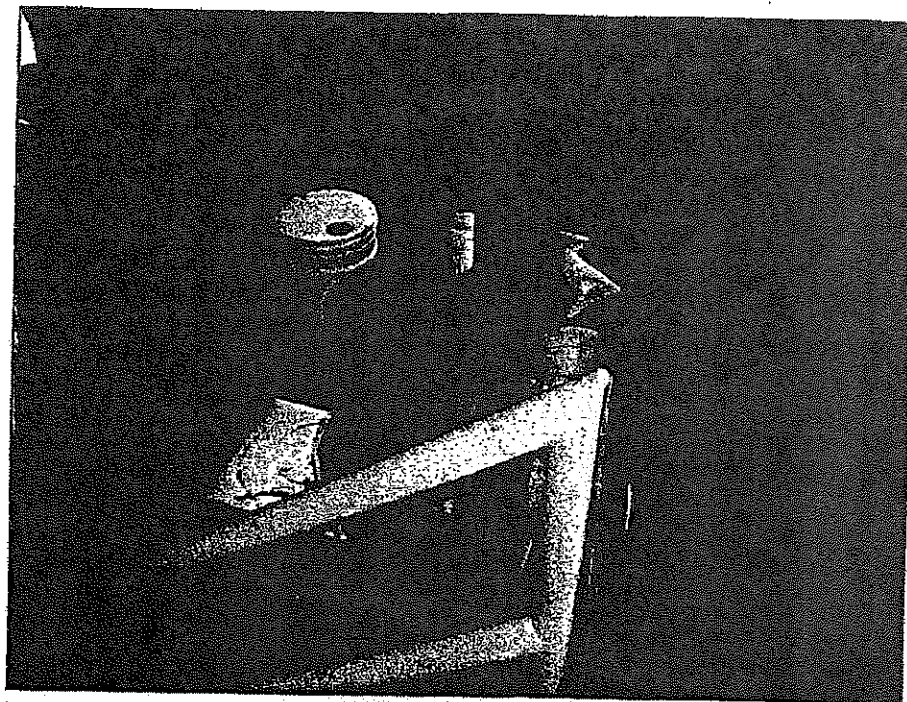


Photo 15 By: Michael Valentino	Amtrak Lumber Street Maintenance Facility
8-6-10 9:31 am	Used oil transfer point, with oil filter inside container.
Orientation: West (looking down)	

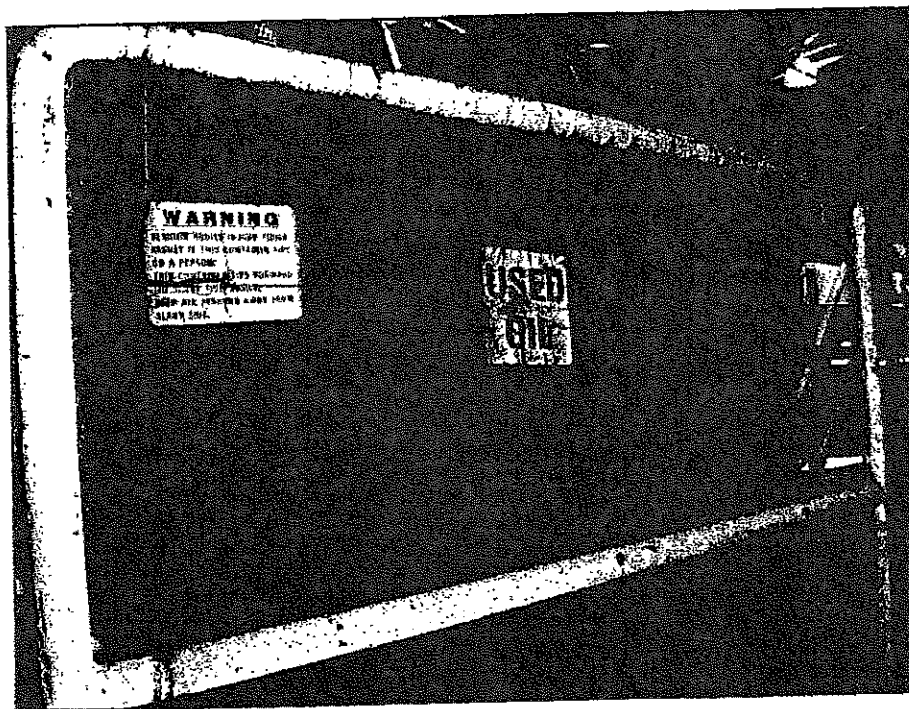


Photo 16 By: Michael Valentino	Amtrak Lumber Street Maintenance Facility
8-6-10 9:34 am	Used oil filter crusher.
Orientation: Southeast	

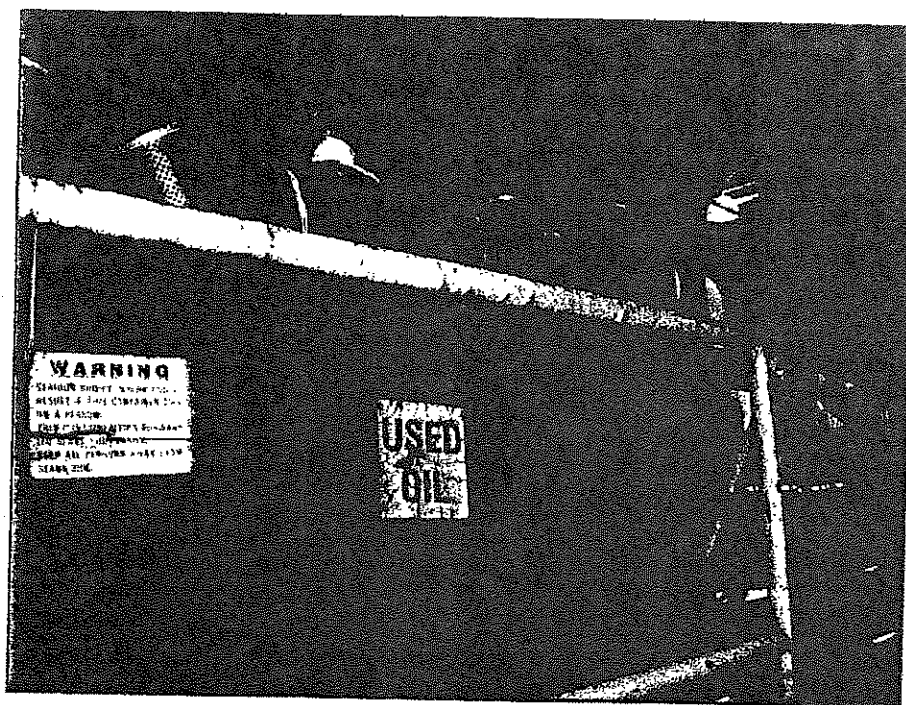


Photo 17 By: Michael Valentino	Amtrak Lumber Street Maintenance Facility
8-6-10 9:35 am	Used oil filter crusher with used oil filters on top.
Orientation: Southeast (upward)	

#### Exit Interview:

I held a brief exit interview with Ms. Jurczak and Ms. McFaul following the walk-through. I left the facility at approximately 10:15 am.

#### Attachments:

1. MSDSs for Champ Foaming Cleaner and Sprayon Dry Graphite Lube
2. Month-to-month waste generation documentation for the period August 2007 through September 2008
3. Waste determination spreadsheet (1/22/2009)
4. Month-to-month waste generation documentation for the period June 2008 through July 2009
5. Waste determination spreadsheet (1/8/2010)
6. Waste determination spreadsheet (9/4/2009)
7. Month-to-month waste generation documentation for the period June 2008 through July 2009
8. 2008 and 2009 Nonhazardous Special Waste Annual Reports
9. MSDSs for two aqueous parts cleaners and for locomotive batteries



**ATTACHMENT NO. 1**





# MSDS Sheet

## Champ Foaming Cleaner





# MATERIAL SAFETY DATA SHEET

## CHAMP FOAMING CLEANER

### 1. Product And Company Identification

#### Supplier

Chase Products Co.  
19th and Gardner Road  
Broadview, IL 60155 USA

Company Contact: Aludia B. Hernandez  
Telephone Number: 708-865-1000  
FAX Number: 708-865-0923  
E-Mail: sales@chaseproducts.com  
Web Site: www.chaseproducts.com

#### Manufacturer

Chase Products Co.  
19th and Gardner Road  
Broadview, IL 60155 USA

Company Contact: Aludia B. Hernandez  
Telephone Number: 708-865-1000  
FAX Number: 708-865-0923  
E-Mail: sales@chaseproducts.com  
Web Site: www.chaseproducts.com

#### Supplier Emergency Contacts & Phone Number

Chem-Tel: 1-800-255-3924

#### Manufacturer Emergency Contacts & Phone Number

Chem-Tel: 1-800-255-3924

Issue Date: 01/09/2007

Product Name: CHAMP FOAMING CLEANER

Chemical Name: 7-7787-2

CAS Number: Not Established

EPA Registry Number: 498-62

MSDS Number: 3957

Product Code: 438-5196-4

Product/Material Uses - Foaming Cleaner and Disinfectant

### 2. Composition/Information On Ingredients

Ingredient Name	CAS Number	Percent Of Total Weight
2-BUTOXYETHANOL	111-76-2	1 - 5
ISOBUTANE	75-28-5	
NONYLPHENOL POLYETHOXYLATED	9016-45-9	
PROPANE	74-98-6	
TRISODIUM PHOSPHATE CRYSTALS	10101-89-0	

Hazardous components, according to OSHA, are listed when present at 1.0% or greater. Carcinogens are listed when present at 0.1% or greater. See label for active ingredients.

### 3. Hazards Identification

Primary Routes(s) Of Entry - Skin contact, eye contact, inhalation, ingestion (possible, but considered unlikely).

Eye Hazards - Irritating to the eyes on contact. May cause stinging, tearing, redness and swelling of eyes.

Skin Hazards - May cause mild skin irritation. Prolonged and repeated contact may cause redness, burning, drying and cracking of skin. 2-Butoxyethanol penetrates skin readily. Frequent or wide spread contact may result on skin absorption of potentially harmful amounts.

Ingestion Hazards - This is an aerosol product, ingestion is unlikely to occur.

Inhalation Hazards - Deliberate inhalation of concentrate vapor or mist may cause headaches, nausea and dizziness.

Chronic/Carcinogenicity Effects - 2-Butoxyethanol may cause hemolysis of the blood cells leading to possible liver and kidney damage. None of the ingredients, present in excess of 0.1%, are listed as carcinogenic by NTP, IARC or OSHA.

Teratogenicity (Birth Defects) - Not known

# MATERIAL SAFETY DATA SHEET

## CHAMP FOAMING CLEANER

### 3. Hazards Identification - Continued

**Reproductive Effects** - Not known

**Neurotoxicity** - Not known

**Mutagenicity (Genetic Effect)** - Not known

**Signs And Symptoms** - Acute: Deliberate inhalation of concentrate vapor or mist may cause headaches, nausea and dizziness. Irritating to the eyes on contact. Prolonged and repeated contact with the skin can cause irritation.

**Conditions Aggravated By Exposure** - May aggravate pre-existing skin and respiratory disorders.

**Conditions Aggravated By Overexposure** - Pre-existing skin and respiratory disorders.

### First Aid (Pictograms)



### 4. First Aid Measures

**Eye** - Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

**Skin** - Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

**Ingestion** - Ingestion from an aerosol product is unlikely to occur.

**Inhalation** - If overcome by vapor move victim to fresh air, restore respiration if necessary.

### 5. Fire Fighting Measures

**Flash Point:** Not available °F Not available °C

**Flash Point Method:** Not available

**Lower Explosive Limit:** Not available

**Upper Explosive Limit:** Not available

**Fire And Explosion Hazards** - This product is an aerosol product for which **Flame Projection is 0 in.** Temperatures above 120 F may cause cans to burst.

**Extinguishing Media** - Use CO2 (Carbon Dioxide), dry chemical, or water fog.

**Fire Fighting Instructions** - Water spray may be used to cool cans in the vicinity of fire or excessive heat.

### 6. Accidental Release Measures

Provide adequate ventilation to area being treated. Soak up spills with chemically inert, absorbent material.

### 7. Handling And Storage

**Handling And Storage Precautions** - Store in a cool, dry place away from heat and open flame.

**Handling Precautions** - Avoid getting spray into eyes. Avoid prolonged contact with skin. Keep out of reach of children.

**Storage Precautions** - Keep away from heat, sparks, flame, and other sources of ignition (i.e., pilot lights, electric motors and static electricity). **AEROSOL STORAGE LEVEL I (NFPA-30B)**

**Work/Hygienic Practices** - Wash hands thoroughly after using this product.

### Protective Clothing (Pictograms)



# MATERIAL SAFETY DATA SHEET

## CHAMP FOAMING CLEANER

### 8. Exposure Controls/Personal Protection

**Engineering Controls** - Use with adequate general and local exhaust ventilation.

**Eye/Face Protection** - Conventional eyeglasses to guard against splashing.

**Skin Protection** - Rubber or household type gloves.

**Respiratory Protection** - Use in a well-ventilated area only. When using indoors, keep windows and doors open until fumes dissipate.

#### **Inredient(s) - Exposure Limits**

2-BUTOXYETHANOL

ACGIH TLV-TWA 20 ppm (Skin) ; OSHA PEL-TWA 50 ppm (Skin)

NONYLPHENOL POLYETHOXYLATED

No exposure limits established

PROPANE

ACGIH TLV-TWA 2500 ppm ; OSHA PEL-TWA 1,000 ppm

### 9. Physical And Chemical Properties

**Appearance** - White foam.

**Odor** - Lemon odor.

**Chemical Type:** Mixture

**Physical State:** Liquid

**Melting Point:** Not applicable °F Not applicable °C

**Boiling Point:** water 212 °F water 100 °C

**Specific Gravity:** 1 concentrate

**Percent VOCs:** 8.92

**pH Factor:** 12-13

**Solubility:** Soluble in water

**Evaporation Rate:** Faster than butyl acetate

### 10. Stability And Reactivity

**Stability:** Stable

**Hazardous Polymerization:** Will not occur

**Conditions To Avoid (Stability)** - Temperatures above 120 F

**Incompatible Materials** - Avoid heat, open flame and contact with strong oxidizing materials.

**Hazardous Decomposition Products** - Thermal decomposition may yield gases like carbon monoxide and carbon dioxide.

**Conditions To Avoid (Polymerization)** - Temperatures above 120 F

### 11. Toxicological Information

No Data Available...

### 12. Ecological Information

**Ecotoxicological Information** - No specific ecological data is available for this product. Please refer to Section 6 for information regarding accidental releases and Section 15 for regulatory reporting information.

### 13. Disposal Considerations

Do not puncture or incinerate container. **If empty:** Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency for disposal instructions.

# MATERIAL SAFETY DATA SHEET

## CHAMP FOAMING CLEANER

### 14. Transport Information

**Proper Shipping Name** - ORM-D Consumer Commodity

**Hazard Class**

2.1

**DOT Identification Number**

UN1950

**DOT Shipping Label**

Aerosol Consumer Commodity

### 15. Regulatory Information

**U.S. Regulatory Information** - All ingredients of this product are listed or are excluded from listing under the U.S. Toxic Substances Control Act (TSCA) Chemical Substance Inventory.

**SARA Hazard Classes**

Acute Health Hazard

SARA Title III - Section 313 Form "R"/TRI Reportable Chemical

**SARA Section 313 Notification** - This product contains the following toxic chemicals (above the *de minimis* level) subject to the reporting requirements of Section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 and of 40 CFR 372. This information must be included in all MSDSs that are copied and distributed for this material. This product contains 2-butoxyethanol. See Section 2 for % amount in the product.

**Ingredient(s) - U.S. Regulatory Information**

2-BUTOXYETHANOL

SARA Title III - Section 313 Form "R"/TRI Reportable Chemical; SARA - Acute Health Hazard; SARA - Chronic Health Hazard; SARA - Fire Hazard

**Ingredient(s) - State Regulations**

2-BUTOXYETHANOL

New Jersey - Workplace Hazard; New Jersey - Environmental Hazard; Pennsylvania - Workplace Hazard; Massachusetts - Hazardous Substance; New York City - Hazardous Substance

ISOBUTANE


New Jersey - Workplace Hazard; New Jersey - Environmental Hazard; New Jersey - Special Hazard; Pennsylvania - Workplace Hazard; Massachusetts - Hazardous Substance; New York City - Hazardous Substance

PROPANE

New Jersey - Workplace Hazard; New Jersey - Environmental Hazard; New Jersey - Special Hazard; Pennsylvania - Workplace Hazard; Massachusetts - Hazardous Substance; New York City - Hazardous Substance

# MATERIAL SAFETY DATA SHEET

## CHAMP FOAMING CLEANER

<b>NFPA</b> 	<b>HMS</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Hazard</td> <td style="width: 50px; text-align: center; padding: 2px;">1</td> </tr> <tr> <td style="padding: 2px;">Stability</td> <td style="text-align: center; padding: 2px;">2</td> </tr> <tr> <td style="padding: 2px;">Reactivity</td> <td style="text-align: center; padding: 2px;">1</td> </tr> <tr> <td style="padding: 2px;">Personal Protection</td> <td style="text-align: center; padding: 2px;">B</td> </tr> </table>	Hazard	1	Stability	2	Reactivity	1	Personal Protection	B
Hazard	1								
Stability	2								
Reactivity	1								
Personal Protection	B								

### 16. Other Information

#### Revision/Preparer Information

MSDS Preparer: Laura E. Radevski

MSDS Preparer Phone Number: 708-866-1000

This MSDS Supersedes A Previous MSDS Dated: 09/21/2005

#### Disclaimer

Although reasonable care has been taken in the preparation of this document, we extend no warranties and make no representations as to the accuracy or completeness of the information contained therein, and assume no responsibility regarding the suitability of this information for the user's intended purposes or for the consequences of its use. Each individual should make a determination as to the suitability of the information for their particular purposes(s).

Chase Products Co.

Printed Using MSDS Generator™ 2000

# MSDS Sheet

## Sprayon Dry Graphite Lube



S00204  
01 00

MATERIAL SAFETY DATA SHEET

Section 1 -- PRODUCT AND COMPANY IDENTIFICATION

PRODUCT NUMBER	DATE OF PREPARATION	HMIS CODES
S00204	29-SEP-07	Health 2 Flammability 4 Reactivity 0

PRODUCT NAME  
SPRAYON® Dry Graphite Lube

MANUFACTURER'S NAME  
THE SHERWIN-WILLIAMS COMPANY  
Consumer Group - Industrial  
Cleveland, OH 44115

TELEPHONE NUMBERS and WEBSITES

Product Information  
(800) 251-2486

Regulatory Information  
(216) 566-2902

Medical Emergency  
(216) 566-2917

Transportation Emergency  
(800) 424-9300

www.paintdocs.com

for Chemical Emergency ONLY (spill, leak,  
fire, exposure, or accident)

% by WT	CAS No.	Section 2 -- COMPOSITION/INFORMATION ON INGREDIENTS	UNITS	VAPOR PRESSURE
		INGREDIENT		
22	74-98-6	Propane		
		ACGIH TLV	2500 ppm	
		OSHA PEL	1000 ppm	760 mm
22	106-97-8	Butane		
		ACGIH TLV	800 ppm	
		OSHA PEL	800 ppm	760 mm
34	142-82-5	Heptane		
		ACGIH TLV	400 ppm	
		ACGIH TLV	500 ppm STEL	50 mm
		OSHA PEL	400 ppm	
		OSHA PEL	500 ppm STEL	
1	108-88-3	Toluene		
		ACGIH TLV	20 ppm	
		OSHA PEL	100 ppm (Skin)	22 mm
		OSHA PEL	150 ppm (Skin) STEL	
19	67-63-0	2-Propanol		
		ACGIH TLV	400 ppm	
		ACGIH TLV	500 ppm STEL	33 mm
		OSHA PEL	400 ppm	
		OSHA PEL	500 ppm STEL	

Continued on page 2

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Section 3 -- HAZARDS IDENTIFICATION

---

## ROUTES OF EXPOSURE

INHALATION of vapor or spray mist.

EYE or SKIN contact with the product, vapor or spray mist.

## EFFECTS OF OVEREXPOSURE

EYES: Irritation.

SKIN: Prolonged or repeated exposure may cause irritation.

INHALATION: Irritation of the upper respiratory system.

May cause nervous system depression. Extreme overexposure may result in unconsciousness and possibly death.

Prolonged overexposure to solvent ingredients in Section 2 may cause adverse effects to the liver, urinary, cardiovascular and reproductive systems.

## SIGNS AND SYMPTOMS OF OVEREXPOSURE

Headache, dizziness, nausea, and loss of coordination are indications of excessive exposure to vapors or spray mists.

Redness and itching or burning sensation may indicate eye or excessive skin exposure.

## MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE

None generally recognized.

## CANCER INFORMATION

For complete discussion of toxicology data refer to Section 11.

---

Section 4 -- FIRST AID MEASURES

---

EYES: Flush eyes with large amounts of water for 15 minutes.  
Get medical attention.

SKIN: Wash affected area thoroughly with soap and water.  
Remove contaminated clothing and launder before re-use.

INHALATION: If affected, remove from exposure. Restore breathing.  
Keep warm and quiet.

INGESTION: Do not induce vomiting.  
Get medical attention immediately.

---

Section 5 -- FIRE FIGHTING MEASURES

---

FLASH POINT	LEL	UEL
Propellant < 0 F	1.0	12.7

## EXTINGUISHING MEDIA

Carbon Dioxide, Dry Chemical, Foam

## UNUSUAL FIRE AND EXPLOSION HAZARDS

Containers may explode when exposed to extreme heat.

Application to hot surfaces requires special precautions.

During emergency conditions overexposure to decomposition products may cause a health hazard. Symptoms may not be immediately apparent. Obtain medical attention.

## SPECIAL FIRE FIGHTING PROCEDURES

Full protective equipment including self-contained breathing apparatus should be used.

Water spray may be ineffective. If water is used, fog nozzles are preferable. Water may be used to cool closed containers to prevent pressure build-up and possible autoignition or explosion when exposed to extreme heat.

---

Section 6 -- ACCIDENTAL RELEASE MEASURES

---

STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED

---

Remove all sources of ignition. Ventilate the area.  
Remove with inert absorbent.

---

Section 7 -- HANDLING AND STORAGE

---

STORAGE CATEGORY

---

Not Available

PRECAUTIONS TO BE TAKEN IN HANDLING AND STORAGE

---

Keep away from heat, sparks, and open flame. Vapors will accumulate readily and may ignite explosively.

During use and until all vapors are gone: Keep area ventilated - Do not smoke - Extinguish all flames, pilot lights, and heaters - Turn off stoves, electric tools and appliances, and any other sources of ignition.

Consult NFPA Code. Use approved Bonding and Grounding procedures.

Contents under pressure. Do not puncture, incinerate, or expose to temperature above 120F. Heat from sunlight, radiators, stoves, hot water, and other heat sources could cause container to burst. Do not take internally. Keep out of the reach of children.

---

Section 8 -- EXPOSURE CONTROLS/PERSONAL PROTECTION

---

PRECAUTIONS TO BE TAKEN IN USE

---

Use only with adequate ventilation.

Avoid contact with skin and eyes. Avoid breathing vapor and spray mist.

Wash hands after using.

VENTILATION

---

Local exhaust preferable. General exhaust acceptable if the exposure to materials in Section 2 is maintained below applicable exposure limits. Refer to OSHA Standards 1910.94, 1910.107, 1910.108.

RESPIRATORY PROTECTION

---

If personal exposure cannot be controlled below applicable limits by ventilation, wear a properly fitted organic vapor/particulate respirator approved by NIOSH/MSHA for protection against materials in Section 2.

PROTECTIVE GLOVES

---

None required for normal application of aerosol products where minimal skin contact is expected. For long or repeated contact, wear chemical resistant gloves.

EYE PROTECTION

---

Wear safety spectacles with unperforated sideshields.

OTHER PRECAUTIONS

---

Intentional misuse by deliberately concentrating and inhaling the contents can be harmful or fatal.

## Section 9 -- PHYSICAL AND CHEMICAL PROPERTIES

PRODUCT WEIGHT	5.23 lb/gal	626 g/l
SPECIFIC GRAVITY	0.63	
BOILING POINT	<0 - 238 F	<-18 - 114 C
MELTING POINT	Not Available	
VOLATILE VOLUME	99 %	
EVAPORATION RATE	Faster than ether	
VAPOR DENSITY	Heavier than air	
SOLUBILITY IN WATER	N.A.	
VOLATILE ORGANIC COMPOUNDS	(VOC Theoretical - As Packaged)	
Volatile Weight	99.05%	Less Water and Federally Exempt Solvents

## Section 10 -- STABILITY AND REACTIVITY

STABILITY -- Stable

CONDITIONS TO AVOID

None known.

INCOMPATIBILITY

None known.

HAZARDOUS DECOMPOSITION PRODUCTS

By fire: Carbon Dioxide, Carbon Monoxide

HAZARDOUS POLYMERIZATION

Will not occur

## Section 11 -- TOXICOLOGICAL INFORMATION

## CHRONIC HEALTH HAZARDS

No ingredient in this product is an IARC, NTP or OSHA listed carcinogen.

Reports have associated repeated and prolonged overexposure to solvents with permanent brain and nervous system damage.

## TOXICOLOGY DATA

CAS No.	Ingredient Name				
74-98-6	Propane	LC50	RAT	4HR	Not Available
		LD50	RAT		Not Available
106-97-8	Butane	LC50	RAT	4HR	Not Available
		LD50	RAT		Not Available
142-82-5	Heptane	LC50	RAT	4HR	Not Available
		LD50	RAT		Not Available
108-88-3	Toluene	LC50	RAT	4HR	4000 ppm
		LD50	RAT		5000 mg/kg
67-63-0	2-Propanol	LC50	RAT	4HR	Not Available
		LD50	RAT		5045 mg/kg

Continued on page 5

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Section 12 -- ECOLOGICAL INFORMATION

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## ECOTOXICOLOGICAL INFORMATION

No data available.

---

Section 13 -- DISPOSAL CONSIDERATIONS

---

## WASTE DISPOSAL METHOD

Waste from this product may be hazardous as defined under the Resource Conservation and Recovery Act (RCRA) 40 CFR 261.

Waste must be tested for ignitability to determine the applicable EPA hazardous waste numbers.

Do not incinerate. Depressurize container. Dispose of in accordance with Federal, State/Provincial, and Local regulations regarding pollution.

---

Section 14 -- TRANSPORT INFORMATION

---

## US Ground (DOT)

May be classed as Consumer Commodity, ORM-D

UN1950, AEROSOLS, 2.1, LIMITED QUANTITY, (ERG#126)

## Canada (TDG)

May be classed as Consumer Commodity, ORM-D

UN1950, AEROSOLS, CLASS 2.1, LIMITED QUANTITY, (ERG#126)

## IMO

May be shipped as Limited Quantity

UN1950, AEROSOLS, CLASS 2, LIMITED QUANTITY, Ems F-D, S-U

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Section 15 -- REGULATORY INFORMATION

---

SARA 313 (40 CFR 372.65C) SUPPLIER NOTIFICATION

---

CAS No.

CHEMICAL/COMPOUND

% by WT

% Element

108-88-3 Toluene

1

## CALIFORNIA PROPOSITION 65

WARNING: This product contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm.

## TSCA CERTIFICATION

All chemicals in this product are listed, or are exempt from listing, on the TSCA Inventory.

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Section 16 -- OTHER INFORMATION

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This product has been classified in accordance with the hazard criteria of the Canadian Controlled Products Regulations (CPR) and the MSDS contains all of the information required by the CPR.

Continued on page 6

The above information pertains to this product as currently formulated, and is based on the information available at this time. Addition of reducers or other additives to this product may substantially alter the composition and hazards of the product. Since conditions of use are outside our control, we make no warranties, express or implied, and assume no liability in connection with any use of this information.

## ATTACHMENT NO. 2

Time Period 8/07 - 9/08

Waste Generation Documentation  
Amtrak, Chicago Yard

Waste Description	Source	2007												2008											
		Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Aug	Sept								
Asbestos (cable yards)	CUS & Maintenance Yard																								
Batteries (lbs)	CUS & Maintenance Yard	14	1	6	28	10										0.25	15.75								
HID Lamps	CUS									Qty 80							1.25								
Fluorescent Lights Ballast (lbs)	CUS & Maintenance Yard				886 (CUS)					285 (CUS)							162 (Yard)								
Fluorescent lights - crushed or broken (lbs)	CUS & Maintenance Yard			1045 (Yard)	1415 (CUS)					753 (CUS) & 340 (Yard)							1051 (Yard)								
Oil solids (contaminated soil) (tons)	Remediation/Track Project		796.58	130.73				9.66																	
Waste Oil (gallons)	Maintenance Yard	6,565	12,335	11,861	12,388	6,304	12,406	7,800	8,770	13,855	17,460	12,300	15,275	14,550	23,400										
Bridge grease (gallons)	Engineering						200				390		180												
Oil w/ water (cleanups/MPE project) (gallons)	WWTP Cleanout & Remediation											400													
DAF Sludge (gal)	WWTP Cleanout													1,500	5,900										
DAF Wastewater (gallons)	WWTP Cleanout		800		2,500										65,700										
Scrap Metal (lbs)	Maintenance Yard	20,170	22,040	22,040	20,500	22,770	15,330	17,190	19,030	20,240	18,760	16,340	15,030	16,990	14,230										
Aqueous Parts Washers (gallons)	Safety Klean - CUS & Yard		50		17	225	85	69		93															
Waste Solvent/Oil-based Paint	Car Wash & Material Control		1.55 gallon drum of paint chips	99 lbs						1400 lbs															
Aerosol foam cleaner	CUS can puncturing device	None generated during this time period																							
Aerosol spray lube	CUS can puncturing device	None generated during this time period																							
Aerosol paint	Can puncturing device in the yard	None generated during this time period																							



### ATTACHMENT NO. 3

**\*No disposal during this time period**

93

[illegible]

## ATTACHMENT NO. 4

Waste Determination - Amtrak Chicago

Waste Description	Is the waste a solid waste?	Is it a hazardous waste?	Method used to determine whether waste is hazardous (e.g., knowledge or analysis)	If it is a hazardous waste, is it excluded?
Asbestos	Yes	No.	Knowledge	Yes - recycled
Batteries	Yes	Yes	Knowledge/MSDS	Yes - recycled
HID Lamps	Yes	Yes	Knowledge	Yes - recycled
Fluorescent Lights Ballasts	Yes	Yes	Knowledge	Yes - recycled
Fluorescent Lights	Yes	Yes	Analysis	excluded under IL regs.
Fluorescent lights - crushed or broken	Yes	Filler - no	Analysis	excluded under IL regs.
Fluorescent lights - crushed or broken	Yes	Glass - no	Knowledge	excluded under IL regs.
Oily solids (e.g., rags, soil)	Yes	No.	Knowledge	Yes - recycled
Waste Oil	Yes	Yes	Analysis	
Bridge grease	Yes	No	Analysis	
Oily water (usually from cleanups)	Yes	No	Analysis	
DAF Sludge	Yes	No.	Analysis	
DAF Wastewater	Yes	No.	Analysis	
Scrap Metal	Yes	If it has lead solder on it	Knowledge	Yes - recycled
Aqueous Parts Washers	Yes	No	Knowledge/Analysis	
Waste Solvent/Oil-based Paint	Yes	Yes	Knowledge/MSDS	No
Waste Water-based (Latex) Paint	Yes	No	Knowledge/MSDS	
Aerosol paint cans	Yes	Not if cans are empty	Knowledge/MSDS	Yes if empty

1/22/2009

ATTACHMENT NO. 5

# Waste Determination

Waste Description	Is the waste a solid waste?	Is it a hazardous waste?	Method used to determine whether waste is hazardous (e.g., knowledge or analysis)	If it is a hazardous waste, is it excluded?
Asbestos	Yes	No.	Knowledge	Yes - recycled
Batteries	Yes	Yes	Knowledge/MSDS	Yes - recycled
Fluorescent Lights	Yes	Yes	Knowledge	Yes - recycled
Fluorescent lights - crushed or broken	Yes	Filter - no	Analysis	excluded under IL regs.
Fluorescent lights - crushed or broken	Yes	Glass - no	Analysis	excluded under IL regs.
Oily solids (e.g., rags, soil)	Yes	No.	Knowledge	excluded under IL regs.
Waste Oil	Yes	Yes	Knowledge	Yes - recycled
Bridge grease	Yes	No	Analysis	
Oily water (usually from cleanups)	Yes	No	Analysis	
DAF Sludge	Yes	No	Analysis	
DAF Wastewater	Yes	No.	Analysis	
Scrap Metal	Yes	No.	Analysis	
Solder waste	Yes	If it has lead solder on it	Knowledge	Yes - recycled
Aqueous Parts Washers	Yes	Yes	Knowledge	Yes - recycled
Waste Solvent/Oil-based Paint	Yes	No	Knowledge/Analysis	
Waste Water-based (Latex) Paint	Yes	Yes	Knowledge/MSDS	No
Aerosol paint cans	Yes	No	Knowledge/MSDS	
		Not if cans are empty	Knowledge/MSDS	Yes if empty

1/8/2010

**ATTACHMENT NO. 6**

# Waste Determination

Waste Description	Is the waste a solid waste?	Is it a hazardous waste?	Information used to determine whether waste is hazardous (e.g., knowledge or analysis)	If it is a hazardous waste, is it excluded?
Asbestos	Yes	No.	Knowledge	Yes - recycled
Batteries	Yes	Yes	Knowledge/MSDS	Yes - recycled
Fluorescent Lights	Yes	Yes	Knowledge	Yes - recycled
Fluorescent lights - crushed or broken (2)	Yes	Filter - no	Analysis	excluded under IL regs.
Fluorescent lights - crushed or broken	Yes	Glass - no	Analysis	excluded under IL regs.
Oily solids (e.g., rags, soil)	Yes	No.	Knowledge	excluded under IL regs.
Waste Oil (1)	Yes	Yes	Knowledge	Yes - recycled
Bridge grease (1)	Yes	No	Analysis	
Oily water (usually from cleanups) (1)	Yes	No	Analysis	
DAF Sludge (1)	Yes	No.	Analysis	
DAF Wastewater	Yes	No.	Analysis	
Scrap Metal	Yes	If it has lead solder on it	Knowledge	Yes - recycled
Solder waste	Yes	Yes	Knowledge	Yes - recycled
Aqueous Parts Washers (2)	Yes	No	Knowledge/Analysis	
Waste Solvent/Oil-based Paint	Yes	Yes	Knowledge/MSDS	No
Waste Water-based (Latex) Paint	Yes	No	Knowledge/MSDS	
Aerosol paint cans	Yes	Not if cans are empty	Knowledge/MSDS	Yes if empty

\* A waste is a solid waste if it is:  
 - garbage, refuse or sludge,  
 - solid, liquid, semi-solid or contained  
 gaseous material which is  
 - discarded  
 - served it's intended purpose  
 - a manufacturing or mining by-product  
 unless it is excluded from regulation under  
 RCRA because it is domestic sewage, a point  
 source discharge, irrigation return flow, nuclear  
 waste or mining waste.

\*\* The following wastes are  
 exempt from  
 regulation as a hazardous waste  
 if they are recycled: batteries,  
 intact fluorescent lights, waste  
 oil, electronics that are recycled.

H:\WasteDetermination\2009 SEP

9/4/2009

Amtrak

Recd. 8-3-10



**ATTACHMENT NO. 7**

Time Period 8/03 - 7/09

Waste Description	Source	2008					2009																			
		June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July											
Asbestos (cubic yards)	CUS & Maintenance Yard	0.25																								
Batteries (Industrial)	CUS & Maintenance Yard		4	10			27						2	10											44	7
Batteries (RBC) lbs	CUS & Maintenance Yard							68																	25	
Batteries (National Railway Supplies)	Maintenance Yard												3												64	
RD Lamps	CUS & Maintenance Yard												184 (Twd)												451 (Twd)	
Fluorescent Lights Ballast (lbs)	CUS & Maintenance Yard							1051 (Twd)					1500 (Cus)	1016 (Twd)											817.51	
Fluorescent Lights - ballast or broken (lbs)	CUS & Maintenance Yard																									
Oil soles (contaminated soil) (tons)	Remediation Truck Project																									
Waste Oil (gallons)	Maintenance Yard	12,502	16,276	14,505	22,400	16,104	14,385	15,005	13,950	13,950	13,950	13,950	13,950	13,950	15.85	21,650	16,600	20,666	14,885							
Spent Fuel (gallons)	Maintenance Yard		700																							
Bridge girders (gallons)	Engineering		180																							
Oil water cleanup (WPE project) (gallons)	WWTP Cleanup & Remediation																									
Oil water cleanup (WPE project) (gallons)	WWTP Cleanup & Remediation	400	400	165	165	557.5	1002	1102	1008.25	8235	420	1418	88	110.1	78.5											
DAF Sludge (gal)	WWTP Cleanup																									
DAF Sludge (gallons)	WWTP Cleanup																									
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DAF Sludge (gallons)	WWTP Cleanup																									
DAF Sludge (gallons)	WWTP Cleanup																									

## ATTACHMENT NO. 8



January 29, 2009

VIA FEDERAL EXPRESS

Illinois Environmental Protection Agency  
Bureau of Land (#24)  
Annual Reports and Data Collection Unit  
1021 North Grand Avenue East  
Springfield, IL 62702

Re: Chicago Facility (0316005664)  
2008 Non-Hazardous Special Waste Annual Report

To Whom It May Concern:

Enclosed please find the subject report for the year ending December 31, 2008.

If you have any questions, or require additional information, please contact me at 312.655.3564.

Sincerely,

**Susan M. McFaul**  
Field Environmental Specialist  
Amtrak - Mechanical  
1400 S. Lumber Street, Room #306  
Chicago, Illinois 60607



Illinois  
Environmental  
Protection Agency

Bureau of Land  
1021 North Grand Avenue East  
Box 19276  
Springfield, IL 62794-9276

**Illinois Nonhazardous Special Waste Annual Report  
Site Information Form**

(This form must be completed for each site that submits an annual report)

Reporting Year: 2008

**Site Information:**

Site IEPA Identification Number: 031 60056 64

Site Name: AMTRAK

Site Street Address: 210 S. Canal Street

Site City: Chicago

Site State: IL

Site Zip Code: 60606

Site Telephone: 312-655-3564

**Check one of the following, if applicable:** If checked, no other forms are required to be completed.

☐ **Generator** - No nonhazardous special waste was shipped to an out of state TSDR Facility in this reporting year.

☐ **Facility TSDR** - No nonhazardous special waste was received at this TSDR Facility in this reporting year.

**Site Mailing Address Information:**

(Complete the following information only if site mailing label is incorrect.)

Company: AMTRAK

Telephone: 312-655-3564

Contact Person: SUSAN M. McFAUL

Street Address: 1400 S. Lumber Street P. O. Box: \_\_\_\_\_

City: Chicago

State: IL

Zip Code: 60607

**Annual Report Certification**

I certify under penalty of law that I have examined and am familiar with the information submitted in this and any attached continuation sheets or other attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Name (print/type): DAVID B. KLOUDA

Telephone: 312-880-5207

Signature: [Signature]

Date: 1-28-09

This Agency is authorized to require this information under 415 ILCS 5/4 and 415 ILCS 5/21. Disclosure of this information is required. Failure to do so may result in a civil penalty up to \$10,000 for each day the failure continued, a fine up to \$50,000 and imprisonment up to 3 years. This form has been approved by the Forms Management Center.



Illinois  
Environmental  
Protection Agency

Bureau of Land  
1021 North Grand Avenue East  
Box 19276  
Springfield, IL 62794-9276

### 2008 Illinois Nonhazardous Special Waste Annual Report Hauler Information

Generator IEPA Number: 031 60056 64  
Name: AMTRAK  
Address: 210 S. Canal Street  
Chicago, IL 60606

Page 1 of 1

Record Field	Hauler Permit ID Number	Hauler Name	Hauler Address, City, State and Zip Code	Comments
A.	<u>IND</u> <u>984 866 962</u>	<u>PROLIQUIDS ENVIRONMENTAL SERVICES</u>	<u>1122 E 10th Place</u> <u>Gary, IN 46402</u>	—
B.	<u>IND</u> <u>984 866 962</u>	<u>WINDMILL ENVIRONMENTAL SERVICES</u>	<u>1122 E 10th Place</u> <u>Gary, IN 46402</u>	—
C.	<u>IND</u> <u>042329631</u>	<u>A&amp;C TIZARA, INC</u>	<u>3821 INDIANAPOLIS BLVD</u> <u>EAST CHICAGO, IN 46312</u>	—
D.	<u>IND</u> <u>981093503</u>	<u>SOUTHWEST OIL</u>	<u>608 E Chicago Street</u> <u>EAST CHICAGO, IN</u>	—
E.				—
F.				—
G.				—
H.				—



Illinois  
Environmental  
Protection Agency

Bureau of Land  
1021 North Grand Avenue East  
Box 19276  
Springfield, IL 62794-9276

Illinois Generator Nonhazardous Special Waste  
2008 Annual Report  
For Waste Shipped Out-Of-State

Generator IEPA Number: 031 60056 64  
Name: AMTRAK  
Address: 210 S. Canal St  
Chicago, IL 60606

Page 1 of 1

Record Field	Management Code	Out-of-State TSDR Facility Name & Address (Address must match ID #)	TSDR Facility IEPA ID#	Waste Code	Quantity	UOM	Comments
A.	07	PRO LIQUIDS ENV SERVICES 1122 E 10th Place Gary IN 46402	IND 984 866 962	10	450	1	
B.	07	WINDMILL ENV SERVICES 1122 E 10th Place Gary IN 46402	IND 984 866 962	10	26,400	1	
C.	07	TIGERA ENVIRONMENTAL 3821 INDIANAPOLIS BLVD EAST CHICAGO IN 46312	9180001999	10	82,100	1	
D.	11	SOUTHWEST OIL 608 E CHICAGO STREET EAST CHICAGO, IN	INR 000111054	13	169,630	1	
E.							
F.							
G.							
H.							
I.							
J.							



January 28, 2010

VIA FEDERAL EXPRESS

Illinois Environmental Protection Agency  
Bureau of Land (#24)  
Annual Reports and Data Collection Unit  
1021 North Grand Avenue East  
Springfield, IL 62702

Re: Chicago Facility (0316005664)  
2009 Non-Hazardous Special Waste Annual Report

To Whom It May Concern:

Enclosed please find the subject report for the year ending December 31, 2009.

If you have any questions, or require additional information, please contact me at 312.655.3564.

Sincerely,

**Susan M. McFaul**  
Field Environmental Specialist  
Amtrak - Mechanical  
1400 S. Lumber Street, Room #306  
Chicago, Illinois 60607





Illinois  
Environmental  
Protection Agency

Bureau of Land  
1021 North Grand Avenue East  
Box 19276  
Springfield, IL 62794-9276

**Illinois Nonhazardous Special Waste Annual Report  
Site Information Form**

(This form must be completed for each site that submits an annual report)

Reporting Year: 2009

Site Information:

Site IEPA Identification Number: 0316005664

Site Name: AMTRAK

Site Street Address: 210 S. Canal Street

Site City: Chicago

Site State: IL

Site Zip Code: 60606

Site Telephone: (312) 655-3584

Check one of the following, if applicable: If checked, no other forms are required to be completed.

- ☐ **Generator** - No nonhazardous special waste was shipped to an out of state TSDR Facility in this reporting year.
- ☐ **Facility TSDR** - No nonhazardous special waste was received at this TSDR Facility in this reporting year.

Site Mailing Address Information:

(Complete the following information only if site mailing label is incorrect.)

Company: AMTRAK

Telephone: (312) 655-3584

Contact Person: SUSAN M. McFAUL

Street Address: 1400 S. LUMBER STREET

P. O. Box: \_\_\_\_\_

City: CHICAGO

State: IL

Zip Code: 60607

**Annual Report Certification**

I certify under penalty of law that I have examined and am familiar with the information submitted in this and any attached continuation sheets or other attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Name (print/type): DAVID B. KLONDA

Telephone: 312-880-5207

Signature: David B. Klonda (Signature)

Date: 01/27/2010

This Agency is authorized to require this information under 415 ILCS 5/4 and 415 ILCS 5/21. Disclosure of this information is required. Failure to do so may result in a civil penalty up to \$10,000 for each day the failure continued, a fine up to \$30,000 and imprisonment up to 3 years. This form has been approved by the Forms Management Center.



Illinois  
Environmental  
Protection Agency

Bureau of Land  
1021 North Grand Avenue East  
Box 19276  
Springfield, IL 62794-9276

**Illinois Generator Nonhazardous Special Waste  
2009 Annual Report  
For Waste Shipped Out-Of-State**

Generator IEPA Number: 031 600 5664  
Name: AMTRAK  
Address: 210 S CANAL STREET  
CHICAGO, IL 60606

Page 1 of 1

Record Field	Management Code	Out-of-State TSDR Facility Name & Address (Address must match ID #)	TSDR Facility IEPA ID#	Waste Code	Quantity	UOM	Comments
A.	07	Windmill Environmental Services 1122 E. 10th Place Gary, IN 46402	IND984866962	10	5,525	1	
B.	07	Tierra Environmental 3821 Indianapolis Blvd East Chicago, IN 46313	9180019999	10	77,900	1	
C.	09	Spring Grove Resource Recovery 4879 Spring Grove Avenue Cincinnati, OH 45232	OHD000816629	02	1.35	2	
D.	09	Clean Harbors Chattanooga LLC 3300 Cummings Road Chattanooga, TN 37419	TND982141392	02	2.74	2	
E.	09	WM Pheasant Run Recycling Dispo 18414 60th Street Bristol, WI 53104	WID980610257	02	10.90	2	
F.	09	Clean Harbors El Dorado LLC 309 American Circle El Dorado, AR 71730	ARD069748192	02	55	1	
G.	09	Badger Disposal of WI, Inc. 5611 West Hemlock Street Milwaukee, WI 53223	WID988580056	19	30	1	
H.	13	Southwest Oil 508 East Chicago Street East Chicago, IN	ILD981093503	13	197,190	1	
I.	10	Clean Harbors (PPM) 1672 E. Highland Road Twinsburg, OH 44087	OHD986975399	05	6.26	2	
J.							



Illinois  
Environmental  
Protection Agency

Bureau of Land  
1021 North Grand Avenue East  
Box 19276  
Springfield, IL 62794-9276

### 2009 Illinois Nonhazardous Special Waste Annual Report Hauler Information

Generator IEPA Number: 031 60056 84

Name: AMTRAK

Address: 210 S. CANAL STREET

CHICAGO, IL 60606

Page 1 of 1

Record Field	Hauler Permit ID Number	Hauler Name	Hauler Address, City, State and Zip Code	Comments
A.	IND984866962	Windmill Environmental Serv	1122 E. 10th Place Gary, IN 46402	
B.	UPW0571694	Tierra Environmental	3821 Indianapolis Blvd East Chicago, IN 46312	
C.	MAD039322250	Clean Harbors Environmental	11800 South Stony Island Avenue Chicago, IL 60617	
D.	WID988580056	Badger Disposal of WI	5611 West Hemlock Street Milwaukee, WI 53223	
E.	IND042329631	A & C Tierra	3821 Indianapolis Blvd East Chicago, IN 46312	
F.	ORD981588791	Triad Transport Inc.	10930 HWY 67 Benton, AR 72015	
G.	ILD981093503	Southwest Oil	508 East Chicago Street East Chicago, IN	
H.				

## Nonhazardous Special Waste Annual Report

**Generator Instructions: Please print or type report. Photocopy form as needed.**

This Nonhazardous Annual Report is required under 22.01 of the Illinois Environmental Protection Act and 35 Illinois Administrative Code 809.501(h). This regulation requires you to report **ONLY** the types and quantities of nonhazardous special waste that was generated at your facility and shipped to a location outside the State of Illinois. Please note that Polychlorinated Biphenyls (PCB's) must be included on this report.

Reports are due at the IEPA by February 1 of each year. This report shall SUMMARIZE all nonhazardous special waste shipped out of the State of Illinois the previous year (1-1-09 thru 12-31-09). Do not list individual manifest quantities. Do not send copies of the manifests; they are not required. If no waste was shipped out of the State of Illinois, check the appropriate field on the Site Information form, sign the certification and return the form to the Agency.

Waste streams that became subject to the nonhazardous nonliquid exemption must still be reported if the required certification was not completed.

**Do not report Universal Waste (UW)** such as fluorescent bulbs, certain batteries and thermostats, that are specifically covered in the UW regulations, which were managed as a UW by sending off site for recycling.

**GENERATOR IEPA NUMBER, NAME AND ADDRESS:** Please make address and/or name changes on the Site Information form, if necessary.

**MANAGEMENT CODE:** From the list below select the one code (number) that best identifies the final management of the waste shipped to the designated facility.

- 01 Metals recovery
- 02 Solvent recovery
- 03 Other recovery (e.g. antifreeze regeneration)
- 04 Incineration
- 05 Energy recovery (burning to recover BTU value)
- 06 Fuel blending (blending waste to fuel specs)
- 07 Treatment (chemical, physical, or biological)
- 08 Land treatment, application
- 09 Landfill
- 10 Transfer station
- 11 Storage (long-term)
- 12 Other (Indicate description in comments)
- 13 Used oil regeneration
- 14 Used oil on-spec fuel blending
- 15 Used oil off-spec fuel blending
- 16 Used oil incorporation into haz-waste fuel blending

**TSDR FACILITY NAME AND ADDRESS:** Complete for each out-of-state facility where waste was treated, stored, disposed or recycled. Do not list Illinois TSDR facilities.

**TSDR FACILITY IEPA ID NUMBER:** Write the corresponding IEPA ID Number for each facility listed. Facility address must match ID Number. This ID Number should not end with 9999.

**WASTE CODE:** Select the code (number) that best corresponds to the description of waste; write the code in the space provided.

**NO RCRA HAZARDOUS WASTE TO BE INCLUDED**  
01 Leaking Underground Storage Tank (LUST)

- contaminated soil, sand and clay
- 02 Other contaminated soil, sand or clay
- 03 Other contaminated materials
- 04 PCB1 solids (capacitors, transformer carcasses)
- 05 PCB2 liquids (transformer and capacitor oils, etc)
- 06 Lab Packs
- 07 Leachate
- 08 Ashes, Incinerator or boiler
- 09 Municipal waste water treatment sludges
- 10 Industrial waste water treatment sludges
- 11 Food processing waste & Off-spec food products
- 12 Antifreeze
- 13 Waste/used oil
- 14 Other organic liquids
- 15 Other organic solids or sludges
- 16 Liquids with other metals
- 17 Solids or sludges with other metals
- 18 Other inorganic liquids
- 19 Other inorganic solids or sludges
- 20 Containerized gas

**QUANTITY TOTAL:** Write the total volume in either gallons or cubic yards for the reporting period.

**UNIT OF MEASURE:** 1 for gallons or 2 for cubic yards.

**COMMENTS:** Check the comment field if you have any comments or remarks. Indicate your written comments on a separate page and reference the record field and the page number for each comment.

**SITE INFORMATION FORM:** This form must be completed for each site that submits an annual report.

**NO WASTE SHIPPED OUT OF STATE:** If no waste was shipped out of state, please indicate so on the Site Information form, sign the certification and your site will be removed from our mailing list for the next year.

If no waste was shipped out of state, no other forms are required.

**CERTIFICATION BY GENERATOR:** The owner, operator or an authorized representative must sign and date the certification on the Site Information form.

**HAULER INFORMATION FORM:** List all hauler's and their 4-digit IL SWH permit number or their Uniform Program Permit ID number, who delivered your waste to an out of state TSD facility.

### DISTRIBUTION OF COPIES

Send the original report to the address below:  
Illinois Environmental Protection Agency  
Bureau of Land (#24)  
Annual Reports and Data Collection Unit  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

**OVERNIGHT MAILING ADDRESS:**  
1021 North Grand Avenue East  
Springfield, Illinois 62702

**A COPY OF YOUR REPORT IS REQUIRED TO BE KEPT ON-SITE FOR THREE YEARS.**



Illinois  
Environmental  
Protection Agency

Bureau of Land  
1021 North Grand Avenue East  
Box 19276  
Springfield, IL 62794-9276

**Illinois Nonhazardous Special Waste Annual Report  
Site Information Form**

(This form must be completed for each site that submits an annual report)

Reporting Year: 2009

**Site Information:**

Site IEPA Identification Number: 031 60056 64

Site Name: AMTRAK

Site Street Address: 210 S. Canal Street

Site City: Chicago

Site State: IL

Site Zip Code: 60608

Site Telephone: (312) 655-3564

**Check one of the following, if applicable: If checked, no other forms are required to be completed.**

- ☐ **Generator** - No nonhazardous special waste was shipped to an out of state TSDR Facility in this reporting year.
- ☐ **Facility TSDR** - No nonhazardous special waste was received at this TSDR Facility in this reporting year.

**Site Mailing Address Information:**

(Complete the following information only if site mailing label is incorrect.)

Company: AMTRAK

Telephone: (312) 655-3564

Contact Person: SUSAN M. McFAUL

Street Address: 1400 S. LUMBER STREET

P. O. Box: \_\_\_\_\_

City: CHICAGO

State: IL

Zip Code: 60607

**Annual Report Certification**

I certify under penalty of law that I have examined and am familiar with the information submitted in this and any attached continuation sheets or other attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Name (print/type): \_\_\_\_\_

Telephone: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

This Agency is authorized to require this information under 415 ILCS 5/4 and 415 ILCS 5/21. Disclosure of this information is required. Failure to do so may result in a civil penalty up to \$10,000 for each day the failure continued, a fine up to \$50,000 and imprisonment up to 5 years. This form has been approved by the Forms Management Center.



Illinois  
Environmental  
Protection Agency

Bureau of Land  
1021 North Grand Avenue East  
Box 19276  
Springfield, IL 62794-9276

Illinois Generator Nonhazardous Special Waste  
2009 Annual Report  
For Waste Shipped Out-Of-State

Generator IEPA Number: 031 60056 64  
Name: AMTRAK  
Address: 210 S. CANAL STREET  
CHICAGO, IL 60608

Page \_\_\_\_ of \_\_\_\_

Record Field	Management Code	Out-of-State TSDR Facility Name & Address (Address must match ID #)	TSDR Facility IEPA ID#	Waste Code	Quantity	UOM	Comments
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C.	09	Spring Grove Resource Recovery 4879 Spring Grove Avenue Cincinnati, OH 45232	OHD000816629	02	1.35	2	
D.	09	Clean Harbors Chattanooga LLC 3300 Cummings Road Chattanooga, TN 37419	TND982141392	02	2.74	2	
E.	09	WM Pheasant Run Recycling Dispo 19414 60th Street Bristol, WI 53104	WID980610257	02	10.90	2	
F.	09	Clean Harbors El Dorado LLC 309 American Circle El Dorado, AR 71730	ARD069748192	02	55	1	
G.	09	Badger Disposal of WI, Inc. 5611 West Hemlock Street Milwaukee, WI 53223	WID988580056	19	30	1	
H.	13	Southwest Oil 508 East Chicago St East Chicago, IN	ILD 1122 981093503	13	197,190	1	
I.	10	Clean Harbors (PPM) 1672 E. Highland Rd Tomball, TX 77455	OHD98695399	05	20,043 # 9072 kg = 20.26 cu yd	3200 = 6.26	
J.							

Used oil  
42,800 - Oct - Dec  
154,390 - Jan - Sept

## Nonhazardous Special Waste Annual Report

**Generator Instructions: Please print or type report. Photocopy form as needed.**

This Nonhazardous Annual Report is required under 22.01 of the Illinois Environmental Protection Act and 35 Illinois Administrative Code 809.501(h). This regulation requires you to report **ONLY** the types and quantities of nonhazardous special waste that was generated at your facility and shipped to a location outside the State of Illinois. Please note that Polychlorinated Biphenyls (PCB's) must be included on this report.

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- 03 Other recovery (e.g. antifreeze regeneration)
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- 05 Energy recovery (burning to recover BTU value)
- 06 Fuel blending (blending waste to fuel specs)
- 07 Treatment (chemical, physical, or biological)
- 08 Land treatment, application
- 09 Landfill
- 10 Transfer station
- 11 Storage (long-term)
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- 13 Used oil regeneration
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- 15 Used oil off-spec fuel blending
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**TSDR FACILITY NAME AND ADDRESS:** Complete for each out-of-state facility where waste was treated, stored, disposed or recycled. Do not list Illinois TSDR facilities.

**TSDR FACILITY IEPA ID NUMBER:** Write the corresponding IEPA ID Number for each facility listed. Facility address must match ID Number.

This ID Number should not end with 9999.

**WASTE CODE:** Select the code (number) that best corresponds to the description of waste; write the code in the space provided.

**NO RCRA HAZARDOUS WASTE TO BE INCLUDED**

01 Leaking Underground Storage Tank (LUST)

- contaminated soil, sand and clay
- 02 Other contaminated soil, sand or clay
- 03 Other contaminated materials
- 04 PCB1 solids (capacitors, transformer carcasses)
- 05 PCB2 liquids (transformer and capacitor oils, etc)
- 06 Lab Packs
- 07 Leachate
- 08 Ashes, Incinerator or boiler
- 09 Municipal waste water treatment sludges
- 10 Industrial waste water treatment sludges
- 11 Food processing waste & Off-spec food products
- 12 Antifreeze
- 13 Waste/used oil
- 14 Other organic liquids
- 15 Other organic solids or sludges
- 16 Liquids with other metals
- 17 Solids or sludges with other metals
- 18 Other inorganic liquids
- 19 Other inorganic solids or sludges
- 20 Containerized gas

**QUANTITY TOTAL:** Write the total volume in either gallons or cubic yards for the reporting period.

**UNIT OF MEASURE:** 1 for gallons or 2 for cubic yards.

**COMMENTS:** Check the comment field if you have any comments or remarks. Indicate your written comments on a separate page and reference the record field and the page number for each comment.

**SITE INFORMATION FORM:** This form must be completed for each site that submits an annual report.

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**HAULER INFORMATION FORM:** List all hauler's and their 4-digit IL SWH permit number or their Uniform Program Permit ID number, who delivered your waste to an out of state TSD facility.

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Annual Reports and Data Collection Unit  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

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Springfield, Illinois 62702

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Illinois  
Environmental  
Protection Agency

Bureau of Land  
1021 North Grand Avenue East  
Box 19276  
Springfield, IL 62794-9276

### 2009 Illinois Nonhazardous Special Waste Annual Report Hauler Information

Generator IEPA Number: 031 60056 64

Name: AMTRAK

Address: 210 S. CANAL STREET

CHICAGO, IL 60606

Page      of     

Record Field	Hauler Permit ID Number	Hauler Name	Hauler Address, City, State and Zip Code	Comments
A.	IND984866962	Windmill Environmental Serv	1122 E. 10th Place Gary, IN 46402	
B.	UPW0571694	Tierra Environmental	3821 Indianapolis Blvd East Chicago, IN 46312	
C.	MAD039322250	Clean Harbors Environmental	11800 South Stony Island Avenue Chicago, IL 60617	
D.	WID988580056	Badger Disposal of WI	5611 West Hemlock Street Milwaukee, WI 53223	
E.	IND042329631	A & C Tierra	3821 Indianapolis Blvd East Chicago, IN 46312	
F.	ORD981588791	Triad Transport Inc.		
G.				
H.				





## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829  
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

December 14, 2009

031 60056 64  
AMTRAK  
210 S CANAL ST  
CHICAGO  
60606

IL

Dear Environmental Coordinator:

The 2009 Nonhazardous Annual Report is required to be completed by certain generators under the 35 Illinois Administrative Code 809.501(h) and the Illinois Environmental Protection Act 22.01. You are required to report the types and quantities of nonhazardous special waste generated at your company, which have been shipped to a state other than Illinois for treatment, storage, disposal or recycling. Each out of state facility that accepted your waste must have an IEPA ID number (not their USEPA ID number). Their IEPA ID number must be indicated on this report. If you are not aware of their IEPA ID number, please visit our ID number inquiry system at the following link: <http://epadata.epa.state.il.us/land/inventory/>

The Nonhazardous Annual Report describes the activity of the 2009 calendar year. It is a summation of only nonhazardous and PCB wastes which were shipped out-of-state on a Uniform Hazardous Waste manifest, with a shipping date of January 1 through December 31, 2009. If your company did not ship nonhazardous or PCB wastes to an out-of-state facility, only complete the Site Information Form. The Nonhazardous Annual Report must be received at the Agency by February 1, 2010.

The attached label identifies your IEPA generator identification number, company name and location which are required to report. You may obtain the Nonhazardous Annual Report in a PDF format at our website: [www.epa.state.il.us/land/nonhazardous-special-waste-annual-report-generator-forms.pdf](http://www.epa.state.il.us/land/nonhazardous-special-waste-annual-report-generator-forms.pdf). If you are unable to access the report via the Internet, you may request a printed copy of the forms by calling the telephone number below.

**Note:** The waste streams that are subject to the nonhazardous nonliquid exemption must still be reported if the required certification was not completed. Also, do not report Universal Waste such as fluorescent bulbs, certain batteries and thermostats that are specifically covered in the Universal Waste regulations, if it was managed as a Universal Waste and sent off site for recycling.

If you have any questions, please contact me at 217/785-5733.

Sincerely,

*Joan McMillan*

Joan McMillan  
Annual Reports and Data Collection Unit  
Bureau of Land

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760  
Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131  
Bureau of Land — Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462  
Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9571 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000  
Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463  
Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800  
Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

**ATTACHMENT No. 9**

*Trace in Diesel Shop*



**ARMAKLEEN™ M-AERO**

**MATERIAL SAFETY DATA SHEET FOR USA AND CANADA**

**SECTION 1: PRODUCT AND COMPANY IDENTIFICATION**

**PRODUCT NAME:** ARMAKLEEN M-Aero

**SYNONYM(S):** Not available.

**PRODUCT PART NUMBERS:** 6330, 6430

**PRODUCT USE:** Aqueous, alkaline, concentrated cleaner that is to be diluted with water. If this product is used in combination with other products, refer to the Material Safety Data Sheets for those products.

These numbers are for emergency use only. If you desire non-emergency product information, please call a phone number listed below.

**24-HOUR EMERGENCY PHONE NUMBERS**

**MEDICAL:**

1-800-468-1760

**TRANSPORTATION (SPILL):**

**MANUFACTURER:**  
The ArmaKleen Company  
468 North Harrison Street  
Princeton, NJ 08543  
USA  
(609) 683-5900

**SUPPLIER:**  
Safety-Kleen Systems, Inc.  
5400 Legacy Drive, Cluster II, Building 3  
Plano, TX 75024  
USA  
(800) 669-6740

**TECHNICAL INFORMATION:** 1-800-332-5424

**SAFETY-KLEEN MSDS FORM NUMBER:** 82796  
**THE ARMAKLEEN COMPANY MSDS NUMBER:** 955F

**ISSUE:** February 22, 2008

**ORIGINAL ISSUE:** July 16, 1996

**SUPERSEDES:** November 1, 2006

**PREPARED BY:** ArmaKleen MSDS Coordinator

**APPROVED BY:** The ArmaKleen Company

*Aqueous parts cleaner*

*Amtrak  
Recd 8-10*

**ARMAKLEEN™ M-AERO**  
**MATERIAL SAFETY DATA SHEET FOR USA AND CANADA**

**CHRONIC:** Prolonged or repeated skin contact may cause drying, cracking, redness, itching, and/or swelling (dermatitis).

**CANCER INFORMATION:** No known carcinogenicity. For more information, see **SECTION 11: CARCINOGENICITY**.

**POTENTIAL ENVIRONMENTAL EFFECTS**  
Not available. Also see **SECTION 12: ECOLOGICAL INFORMATION**.

**SECTION 4: FIRST AID MEASURES**

**INHALATION:  
(BREATHING)** Remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Oxygen should only be administered by qualified personnel. Someone should stay with victim. Get medical attention if breathing difficulty persists.

**EYES:** If irritation or redness from exposure to vapor develops, move away from exposure into fresh air and flush with water for 5 minutes. Upon direct contact with liquid, immediately flush eyes with plenty of lukewarm water, holding eyelids apart, for 15 minutes. Get medical attention.

**SKIN:** Remove affected clothing and shoes. Wash skin thoroughly with soap and water. Get medical attention if irritation or pain develops or persists.

**INGESTION:  
(SWALLOWING)** Do NOT induce vomiting. Immediately get medical attention. Call medical emergency telephone number (1-800-468-1760) for additional information. If conscious, give water to drink. If spontaneous vomiting occurs, keep head below hips to avoid breathing the product into the lungs. Never give anything to an unconscious person by mouth.

**NOTE TO PHYSICIANS:** Treat symptomatically and supportively. Ingesting large amounts may cause systemic alkalosis. Treatment may vary with condition of victim and specifics of incident. Call 1-800-468-1760.

**SECTION 5: FIRE FIGHTING MEASURES**

**FLASH POINT:** greater than 212°F (100°C)

**FLAMMABLE LIMITS IN AIR:** Not applicable.

**AUTOIGNITION TEMPERATURE:** Not applicable.

**ARMAKLEEN™ M-AERO**  
**MATERIAL SAFETY DATA SHEET FOR USA AND CANADA**

**SECTION 7: HANDLING AND STORAGE**

**HANDLING:** Use clean tools. Do not breathe vapor or mist. Use in a well ventilated area. Avoid contact with eyes, skin, clothing, and shoes.

**SHIPPING AND STORING:** Keep container tightly closed when not in use and during transport. Store containers in a cool, dry place. Empty product containers may retain product residue and can be dangerous.

**SECTION 8: EXPOSURE CONTROLS/PERSONAL PROTECTION**

**ENGINEERING CONTROLS:** Provide general ventilation needed to maintain concentration of vapor or mist below applicable exposure limits. Where adequate general ventilation is unavailable, use process enclosures, local exhaust ventilation, or other engineering controls to control airborne levels below recommended exposure limits.

**PERSONAL PROTECTIVE EQUIPMENT**

**RESPIRATORY PROTECTION:** Use NIOSH-certified, combination N-, P-, or R- series particulate filter respiratory protective equipment when concentration of vapor or mist exceeds applicable exposure limits. Selection and use of respiratory protective equipment should be in accordance in the USA with OSHA General Industry Standard 29 CFR 1910.134; or in Canada with CSA Standard Z94.4.

**EYE PROTECTION:** Where eye contact is likely, wear chemical goggles; contact lens use is not recommended.

**SKIN PROTECTION:** Where skin contact is likely, wear nitrile, neoprene, or equivalent protective gloves; use of polyvinyl alcohol (PVA), natural rubber, or equivalent gloves is not recommended.

To avoid skin contact where spills and splashes are likely, wear appropriate chemical-resistant faceshield, boots, apron, whole body suits, or other protective clothing.

**PERSONAL HYGIENE:** Use good personal hygiene. Wash thoroughly with soap and water after handling and before eating, drinking, or using tobacco products. Clean affected clothing, shoes, and protective equipment before reuse. Discard affected clothing, shoes, or protective equipment if they cannot be thoroughly cleaned. Discard leather articles, such as shoes, saturated with the product.

**OTHER PROTECTIVE EQUIPMENT:** Where spills and splashes are likely, facilities storing or using this product should be equipped with an emergency eyewash and shower, both equipped with clean water, in the immediate work area.

**ARMAKLEEN™ M-AERO**  
**MATERIAL SAFETY DATA SHEET FOR USA AND CANADA****HAZARDOUS****DECOMPOSITION  
PRODUCTS:**

Note under normal temperatures and pressures. See also SECTION 5:  
**HAZARDOUS COMBUSTION PRODUCTS.**

**SECTION 11: TOXICOLOGICAL INFORMATION****SENSITIZATION:**

Based on best current information, there is no known human sensitization associated with this product.

**MUTAGENICITY:**

Based on best current information, there is no known mutagenicity associated with this product.

**CARCINOGENICITY:**

Based on best current information, there is no known carcinogenicity as regulated by OSHA; as categorized by ACGIH A1 or A2 substances; as categorized by IARC Group 1, Group 2A, or Group 2B agents; or as listed by NTP as either known carcinogens or substances for which there is limited evidence of carcinogenicity in humans or sufficient evidence of carcinogenicity in experimental animals.

**REPRODUCTIVE  
TOXICITY:**

Based on best current information, there is no known reproductive toxicity associated with this product.

**TERATOGENICITY:**

Based on best current information, there is no known teratogenicity associated with this product.

**TOXICOLOGICALLY  
SYNERGISTIC  
PRODUCT(S):**

Based on best current information, there are no known toxicologically synergistic products associated with this product.

**SECTION 12: ECOLOGICAL INFORMATION****ECOTOXICITY:**

No data available.

**OCTANOL/WATER**

**PARTITION COEFFICIENT:** Not available.

**VOLATILE ORGANIC  
COMPOUNDS:**

Contains 8 g/L VOC (as soaps and detergents)  
as per EPA Method 24

**ARMAKLEEN™ M-AERO**  
**MATERIAL SAFETY DATA SHEET FOR USA AND CANADA**

**CERCLA:** This product contains the following "hazardous substance" listed under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) in 40 CFR Part 302, Table 302.4 with the following reportable quantity (RQ):

Material	CAS	RQ
Sodium hydroxide	1310-73-2	1000 LB (454 kg)

**TSCA:** All the components of this product are listed on, or are automatically included as "naturally occurring chemical substances" on, or exempted from the requirement to be listed on, the TSCA inventory.

**CALIFORNIA:** This product does not contain detectable amounts of any chemical known to the State of California to cause cancer.

This product does not contain detectable amounts of any chemical known to the State of California to cause birth defects or other reproductive harm.

**CANADIAN REGULATIONS**

This product has been classified in accordance with the hazard criteria of the Controlled Products Regulations (CPR) and the MSDS contains all the information required by the CPR.

**WHMIS:** D2B

**CANADIAN  
ENVIRONMENTAL  
PROTECTION ACT  
(CEPA):**

All the components of this product are listed on, or are automatically included as "substances occurring in nature" on, or are exempted from the requirement to be listed on, the Canadian Domestic Substances List (DSL).

**SECTION 16: OTHER INFORMATION**

**REVISION INFORMATION:** Update to product name.

**LABEL/OTHER INFORMATION:** Not available.

User assumes all risks incident to the use of this product. To the best of our knowledge, the information contained herein is accurate. However, The ArmaKleen Company assumes no liability whatsoever for the accuracy or completeness of the information contained herein. No representations or warranties, either express or implied, or merchantability, fitness for a particular purpose or of any other nature are made hereunder with respect to information or the product to which information refers. The data contained on this sheet apply to the product as supplied to the user.



*Wheel Truing & Forklift Dept*

**AquaWorks® MPC Cleaning Solution**



**MATERIAL SAFETY DATA SHEET FOR USA AND CANADA**

**SECTION 1: PRODUCT AND COMPANY IDENTIFICATION**

**PRODUCT NAME:** AquaWorks® MPC Cleaning Solution

**SYNONYM(S):** Not available.

**PRODUCT PART NUMBERS:** 6321

**PRODUCT USE:** Aqueous alkaline cleaning solution for the removal of grease, oil, dirt, dust, grime, and other soils from a variety of metal and non-metal surfaces. If this product is used in combination with other products, refer to the Material Safety Data Sheets for those products.

These numbers are for emergency use only. If you desire non-emergency product information, please call a phone number listed below.

**24-HOUR EMERGENCY PHONE NUMBERS  
MEDICAL AND TRANSPORTATION (SPILL):**

**1-800-468-1760**

**MANUFACTURER:**  
The ArmaKleen Company  
469 North Harrison Street  
Princeton, NJ 08543  
USA  
(609) 683-5900

**SUPPLIER:**  
Safety-Kleen Systems, Inc.  
5400 Legacy Drive, Cluster II, Building 3  
Plano, TX 75024  
USA  
(800) 669-5740

**TECHNICAL INFORMATION:** 1-800-332-5424

**SAFETY-KLEEN MSDS FORM NUMBER:** 82783  
**THE ARMAKLEEN COMPANY MSDS NUMBER:** 803

**ISSUE:** January 31, 2006

**ORIGINAL ISSUE:** July 9, 1999

**SUPERSEDES:** July 14, 2004

**PREPARED BY:** ArmaKleen MSDS Coordinator

**APPROVED BY:** The ArmaKleen Company



**AquaWorks® MPC Cleaning Solution**  
**MATERIAL SAFETY DATA SHEET FOR USA AND CANADA**

**SECTION 2: COMPOSITION/INFORMATION ON INGREDIENTS**

WT%	NAME	SYNONYM	CAS NO.	OSHA PEL		ACGIH TLV®		LD <sup>a</sup>	LC <sup>b</sup>
				TWA	STEL	TWA	STEL		
0.5 to 1.5	Sodium Carbonate	Soda Ash	497-19-8	N. Av.	N. Av.	10mg/m <sup>3a</sup>	N. Av.	>3000	N. Av.
0.5 to 1.5	Alcohols C8-C11, ethoxylated	Linear, primary alcohol ethoxylate	68439-48-3	N. Av.	N. Av.	N. Av.	N. Av.	>2700	N. Av.
0.5 to 1.5	Fatty acids, C9-13-neo	C9-C13-Neocids	68938-07-8	N. Av.	N. Av.	N. Av.	N. Av.	N. Av.	N. Av.
0.5 to 1.5	Neo-decanolic Acid	2,2,3,5-tetramethyl hexanolic acid	26898-20-8	N. Av.	N. Av.	N. Av.	N. Av.	N. Av.	N. Av.

N.Av. = Not Available  
<sup>a</sup>Oral-Rat LD<sub>50</sub> (mg/kg)    <sup>b</sup>Inhalation LC<sub>50</sub>    <sup>c</sup>Particulates not otherwise classified (PNOC)

**SECTION 3: HAZARDS IDENTIFICATION**

**EMERGENCY OVERVIEW**

**APPEARANCE**

Liquid, clear, light amber color, mild detergent odor.

**CAUTION!**

**HEALTH HAZARDS**

May irritate the respiratory tract (nose, throat, and lungs), eyes, skin, and digestive tract.

**POTENTIAL HEALTH EFFECTS**

**INHALATION** High concentrations of vapor or mist may irritate the respiratory tract  
**(BREATHING):** (nose, throat, and lungs).

**EYES:** May cause slight to moderate irritation

**SKIN:** May cause slight to moderate irritation. Not likely to be absorbed through the skin in harmful amounts

**INGESTION**

**(SWALLOWING):** May cause digestive tract irritation.

**MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE:** Individuals with pre-existing respiratory tract (nose, throat, and lungs), eye, and/or skin disorders may have increased susceptibility to the effects of exposure.

**CHRONIC:** Prolonged or repeated skin contact may cause drying, cracking, redness, itching, and/or swelling (dermatitis).

**CANCER INFORMATION:** No known carcinogenicity. Also see SECTION 11, CARCINOGENICITY.

**AquaWorks® MPC Cleaning Solution**  
**MATERIAL SAFETY DATA SHEET FOR USA AND CANADA**

**POTENTIAL ENVIRONMENTAL EFFECTS**

Not available.

**SECTION 4: FIRST AID MEASURES**

- INHALATION:  
(BREATHING)** Remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Oxygen should only be administered by qualified personnel. Someone should stay with victim. Get medical attention if breathing difficulty persists.
- EYES:** If irritation or redness from exposure to vapor develops, move away from exposure into fresh air and flush eyes with water for 5 minutes. Upon direct contact with liquid, immediately flush eyes with plenty of lukewarm water, holding eyelids apart, for 15 minutes. Get medical attention.
- SKIN:** Remove affected clothing and shoes. Wash skin thoroughly with soap and water. Get medical attention if irritation or pain develops or persists.
- INGESTION:  
(SWALLOWING)** Do NOT induce vomiting. Immediately get medical attention. Call medical emergency telephone number (1-800-468-1760) for additional information. If conscious, give water to drink. If spontaneous vomiting occurs, keep head below hips to avoid breathing the product into the lungs. Never give anything to an unconscious person by mouth.
- NOTE TO  
PHYSICIANS:** Treat symptomatically and supportively. Ingesting large amounts may cause systemic alkalosis. Treatment may vary with condition of victim and specifics of incident. Call 1-800-468-1760.

**SECTION 5: FIRE FIGHTING MEASURES**

- FLASH POINT:** greater than 212°F (100°C)
- FLAMMABLE LIMITS IN AIR:** Not applicable.
- AUTOIGNITION  
TEMPERATURE:** Not applicable.
- HAZARDOUS COMBUSTION  
PRODUCTS:** Product itself does not burn, but may decompose upon heating to produce carbon monoxide, carbon dioxide, sulfur oxides, and nitrogen oxides.

**AquaWorks® MPC Cleaning Solution**  
**MATERIAL SAFETY DATA SHEET FOR USA AND CANADA**

**CONDITIONS OF  
FLAMMABILITY:**

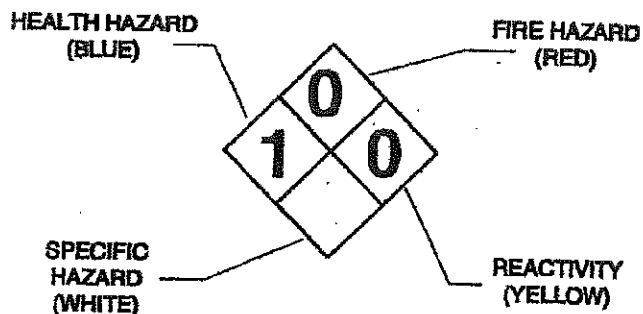
Product will not burn.

**EXTINGUISHING MEDIA:**

Not applicable.

**NFPA 704  
HAZARD  
IDENTIFICATION:**

This information is intended solely for the use by individuals trained in this system.



**FIRE FIGHTING  
INSTRUCTIONS:**

Keep storage containers cool with water spray. A positive-pressure, self-contained breathing apparatus (SCBA) and full-body protective equipment are required for fire emergencies.

**FIRE AND  
EXPLOSION HAZARDS:**

Heated containers may rupture. "Empty" containers may retain residue and can be dangerous. Not sensitive to mechanical impact or static discharge.

**SECTION 8: ACCIDENTAL RELEASE MEASURES**

Spilled product is slippery. Do not touch or walk through spilled product. Stop leak if you can do it without risk. Wear protective equipment and provide engineering controls as specified in **SECTION 8: EXPOSURE CONTROLS/PERSONAL PROTECTION**. Isolate hazard area. Keep unnecessary and unprotected personnel from entering. Ventilate area and avoid breathing vapor or mist. Contain away from surface waters and sewers. Contain spill as a liquid for possible recovery or sorb with compatible sorbent material and shovel with a clean tool into a sealable container for disposal.

Additionally, for large spills: Dike far ahead of liquid spill for collection and later disposal.

There may be additional regulatory reporting requirements associated with spills, leaks, or releases of this product.

**AquaWorks® MPC Cleaning Solution**  
**MATERIAL SAFETY DATA SHEET FOR USA AND CANADA**

**SECTION 7: HANDLING AND STORAGE**

**HANDLING:** Use clean tools. Do not breathe vapor or mist. Use in a well ventilated area. Avoid contact with eyes, skin, clothing, and shoes.

**SHIPPING AND STORING:** Keep container tightly closed when not in use and during transport. Store containers in a cool, dry place. Empty product containers may retain product residue and can be dangerous.

**SECTION 8: EXPOSURE CONTROLS/PERSONAL PROTECTION**

**ENGINEERING CONTROLS:** Provide general ventilation needed to maintain concentration of vapor or mist below applicable exposure limits. Where adequate general ventilation is unavailable, use process enclosures, local exhaust ventilation, or other engineering controls to control airborne levels below recommended exposure limits.

**PERSONAL PROTECTIVE EQUIPMENT**

**RESPIRATORY PROTECTION:** Use NIOSH-certified, combination N-, P-, or R- series particulate filter respiratory protective equipment when concentration of vapor or mist exceeds applicable exposure limits. Selection and use of respiratory protective equipment should be in accordance in the USA with OSHA General Industry Standard 29 CFR 1910.134; or in Canada with CSA Standard Z94.4.

**EYE PROTECTION:** Where eye contact is likely, wear chemical goggles; contact lens use is not recommended.

**SKIN PROTECTION:** Where skin contact is likely, wear nitrile, neoprene, or equivalent protective gloves; use of polyvinyl alcohol (PVA), natural rubber, or equivalent gloves is not recommended.

To avoid skin contact where spills and splashes are likely, wear appropriate chemical-resistant faceshield, boots, apron, whole body suits, or other protective clothing.

**PERSONAL HYGIENE:** Use good personal hygiene. Wash thoroughly with soap and water after handling and before eating, drinking, or using tobacco products. Clean affected clothing, shoes, and protective equipment before reuse. Discard affected clothing, shoes, or protective equipment if they cannot be thoroughly cleaned. Discard leather articles, such as shoes, saturated with the product.

**AquaWorks® MPC Cleaning Solution**  
**MATERIAL SAFETY DATA SHEET FOR USA AND CANADA**

**OTHER PROTECTIVE EQUIPMENT:** Where spills and splashes are likely, facilities storing or using this product should be equipped with an emergency eyewash and shower, both equipped with clean water, in the immediate work area.

**SECTION 9: PHYSICAL AND CHEMICAL PROPERTIES**

**PHYSICAL STATE, APPEARANCE, AND ODOR:** Liquid, clear, light amber color, mild detergent odor.

**ODOR THRESHOLD:** Not available.

**MOLECULAR WEIGHT:** Not applicable.

**SPECIFIC GRAVITY:** 1 (water = 1)

**DENSITY:** 8.3 LB/US gal (1000 g/L)

**VAPOR DENSITY:** less than 1 (air = 1)

**VAPOR PRESSURE:** 17.5 mm Hg at 68°F (20°C)

**BOILING POINT:** 212°F (100°C)

**FREEZING/MELTING POINT:** 32°F (0°C)

**pH:** 11.5

**EVAPORATION RATE:** Less than 1 (butyl acetate = 1)

**SOLUBILITY IN WATER:** Complete.

**FLASH POINT:** greater than 212°F (100°C)

**FLAMMABLE LIMITS IN AIR:** Not applicable.

**AUTOIGNITION TEMPERATURE:** Not applicable.

**SECTION 10: STABILITY AND REACTIVITY**

**STABILITY:** Stable under normal temperatures and pressures.

**INCOMPATIBILITY:** Avoid acids, oxidizing agents, or reducing agents.

**REACTIVITY:** Polymerization is not known to occur under normal temperatures and pressures. Not reactive with water.

**AquaWorks® MPC Cleaning Solution**  
**MATERIAL SAFETY DATA SHEET FOR USA AND CANADA**

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**HAZARDOUS**  
**DECOMPOSITION**     None under normal temperatures and pressures.  
**PRODUCTS:**

<b>SECTION 11: TOXICOLOGICAL INFORMATION</b>
--

**SENSITIZATION:**             Based on best current information, there is no known human sensitization associated with this product.

**MUTAGENICITY:**            Based on best current information, there is no known mutagenicity associated with this product.

**CARCINOGENICITY:**        Based on best current information, there is no known carcinogenicity as regulated by OSHA; as categorized by ACGIH A1 or A2 substances; as categorized by IARC Group 1, Group 2A, or Group 2B agents; or as listed by NTP as either known carcinogens or substances for which there is limited evidence of carcinogenicity in humans or sufficient evidence of carcinogenicity in experimental animals.

**REPRODUCTIVE TOXICITY:**     Based on best current information, there is no known reproductive toxicity associated with this product.

**TERATOGENICITY:**          Based on best current information, there is no known teratogenicity associated with this product.

**TOXICOLOGICALLY SYNERGISTIC PRODUCT(S):**     Based on best current information, there are no known toxicologically synergistic products associated with this product.

<b>SECTION 12: ECOLOGICAL INFORMATION</b>
---

**ECOTOXICITY:**                No data available.

**OCTANOL/WATER PARTITION COEFFICIENT:**     Not available.

**VOLATILE ORGANIC COMPOUNDS:**        Contains 0.0 g/L VOC (as soaps and detergents) as per EPA Method 24.

**AquaWorks® MPC Cleaning Solution**  
**MATERIAL SAFETY DATA SHEET FOR USA AND CANADA**

**SECTION 13: DISPOSAL CONSIDERATIONS**

**DISPOSAL:** Dispose in accordance with federal, state, provincial, and local regulations. Regulations may also apply to empty containers. The responsibility for proper waste disposal lies with the owner of the waste. Contact Safety-Kleen regarding recycling or proper disposal.

**USEPA WASTE CODE(S):** This product, if discarded, is not expected to be a characteristic or listed hazardous waste. Processing, use, or contamination by the user may change the waste code(s) applicable to the disposal of this product.

**SECTION 14: TRANSPORT INFORMATION**

**DOT:** Not regulated.

**TDG:** Not regulated.

**EMERGENCY RESPONSE GUIDE NUMBER:** Not applicable.  
Reference *North American Emergency Response Guidebook*

**SECTION 15: REGULATORY INFORMATION**

**USA REGULATIONS**

**SARA SECTIONS 302 AND 304:** This product does not contain any "extremely hazardous substances" listed pursuant to Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) Section 302 or Section 304 as identified in 40 CFR Part 355, Appendix A and B.

**SARA SECTIONS 311 AND 312:** This product poses the following health hazards as defined in 40 CFR Part 370 and is subject to the requirements of sections 311 and 312 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA):  
Immediate (Acute) Health Hazard

**SARA SECTION 313:** This product does not contain toxic chemicals subject to the requirements of section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 and 40 CFR Part 372.

**AquaWorks® MPC Cleaning Solution**  
**MATERIAL SAFETY DATA SHEET FOR USA AND CANADA**

**CERCLA:** This product contains the following "hazardous substance" listed under the Comprehensive Environmental Response, compensation and Liability Act of 1980 (CERCLA) in 40 CFR Part 302, Table 302.4 with the following reportable quantity (RQ):

Material	CAS	RQ
Sodium hydroxide	1310-73-2	1000 LB (454 kg)

**TSCA:** All the components of this product are listed on, or are automatically included as "naturally occurring chemical substances" on, or exempted from the requirement to be listed on, the TSCA Inventory.

**CALIFORNIA:** This product does not contain detectable amounts of any chemical known to the State of California to cause cancer.

This product does not contain detectable amounts of any chemical known to the State of California to cause birth defects or other reproductive harm.

**CANADIAN REGULATIONS**

This product has been classified in accordance with the hazard criteria of the Controlled Products Regulations (CPR) and the MSDS contains all the information required by the CPR.

**WHMIS:** D2B

**CANADIAN  
ENVIRONMENTAL  
PROTECTION ACT  
(CEPA):**

All the components of this product are listed on, or are automatically included as "substances occurring in nature" on, or are exempted from the requirement to be listed on, the Canadian Domestic Substances List (DSL).

**SECTION 16: OTHER INFORMATION**

**REVISION INFORMATION:** Update VOC data.

**LABEL/OTHER INFORMATION:** Not available.

User assumes all risks incident to the use of this product. To the best of our knowledge, the information contained herein is accurate. However, The AnnaKleen Company assumes no liability whatsoever for the accuracy or completeness of the information contained herein. No representations or warranties, either express or implied, or merchantability, fitness for a particular purpose or of any other nature are made hereunder with respect to information or the product to which information refers. The data contained on this sheet apply to the product as supplied to the user.

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**EAST PENN manufacturing co., inc.****— Material Safety Data Sheet —****Lead Acid Battery Wet, Filled with Acid****SECTION I****Manufacturer's Name:**

East Penn Manufacturing Co., Inc.

Deka Road, Lyon Station, PA 19536

Telephone Number for Information: (610) 682-6361

Emergency Telephone Number: CHEMTREC: 1-800-424-9300,

In Washington D.C. or outside continental U.S., call 1-202-483-7616

Date: March 16, 2005

Trade Name: Electric Storage battery, SLI or Industrial battery

Classification: Battery wet, filled with acid, electric storage

UN2794

**SECTION II****HAZARDOUS INGREDIENTS/IDENTITY INFORMATION**

Hazardous Components Specific Chemical Identity (Common Name (s))	OSHA PEL	ACGIH TLV	Range Percent By Weight	Average
Lead, CAS #7439921	0.05 mg/m <sup>3</sup>	0.05 mg/m <sup>3</sup>	43-70	65
Sulfuric Acid, CAS #7664939	1.00 mg/m <sup>3</sup>	1.00 mg/m <sup>3</sup>	20-44	25
Antimony, CAS #7440360	0.50 mg/m <sup>3</sup>	0.50 mg/m <sup>3</sup>	0-4	<1
Arsenic, CAS #7440382	0.01 mg/m <sup>3</sup>	0.01 mg/m <sup>3</sup>	<0.1	-
Polypropylene, CAS #9003070	-	-	5-10	8
Calcium, CAS #7440702	1.0 mg/m <sup>3</sup>	1.0 mg/m <sup>3</sup>	<1	<1

**SECTION III****PHYSICAL/CHEMICAL CHARACTERISTICS****Electrolyte (Sulfuric Acid):****Appearance and Odor:** Clear, Odorless, Colorless**Boiling Point:** approximately 235° F**Evaporation Rate (Butyl Acetate=1):** less than 1.0**Melting Point:** N/A**Solubility in Water:** Completely**Specific Gravity (H<sub>2</sub>O=1):** 1.220 – 1.325**Vapor Density (AIR=1):** N/A**Vapor Pressure (mm Hg):** 13**SECTION IV****FIRE AND EXPLOSION HAZARD DATA****Flash Point (Method Used):** Non-Flammable**Flammable Limits:** \*Hydrogen Gas**Extinguishing Media:** Class ABC extinguisher, CO<sub>2</sub>

LEL: 4%

UEL: 74%

**Special Fire Fighting Procedures:** Cool exterior of battery if exposed to fire to prevent rupture. The acid mist and vapors in a fire situation are corrosive. Wear special respiratory protection (SCBA) and clothing.**Unusual Fire and Explosion Hazards:** \*Hydrogen gas, which may explode if ignited, is produced by this battery, especially when charging. Use adequate ventilation; avoid open flames, sparks, or other sources of ignition.**SECTION V****REACTIVITY DATA****Stability:** Stable**Condition to Avoid:** Prolonged overcharging, sources of ignition**Incompatibility (Materials to Avoid):** Sulfuric Acid: Contact with combustibles and organic materials may cause fire and explosion. Also reacts violently with strong reducing agents, metals, strong oxidizers and water. Contact with metals may produce toxic sulfur dioxide fumes and may release flammable hydrogen gas.**Hazardous Decomposition of By-Products:** Sulfuric Acid: Excessive overcharging or fire may create Sulfur trioxide, carbon monoxide, sulfuric acid mist, sulfur dioxide, and hydrogen.**Lead Compounds:** Contact with strong acid or base or presence of nascent hydrogen may generate highly toxic arsine gas.

Locomotive battery

Amtrak

P-3-1a

**SECTION IX  
OTHER REGULATORY INFORMATION**

<u>NFPA Hazard Rating</u>	<u>Sulfuric Acid</u>	<u>Lead</u>
Health(Blue)	3	3
Flammability (Red)	0	0
Reactivity (Yellow)	2	0

Note: Sulfuric acid is water-reactive if concentrated.

U.S. DOT: Battery Wet, Filled with Acid	
Hazard Class/Division	8
ID Number	UN2794
Packing Group	III
Label Requirement	Corrosive

RCRA: Spent lead-acid batteries are not regulated as hazardous waste when recycled. Spilled sulfuric acid is a characteristic hazardous waste, EPA hazardous waste number D002 (corrosivity).

**CERCLA (Superfund) and EPCRA (Emergency Planning and Community Right to Know ACT)**

- a) Reportable Quantity (RQ) for spilled 100% sulfuric acid is 1000 lbs.
- b) Sulfuric acid is a listed "Extremely Hazardous Substance" under EPCRA with a Threshold Planning Quantity (TPQ) of 1000 lbs.
- c) EPCRA Section 312 Tier II reporting required for batteries if sulfuric acid is present in quantities of 500 lbs or more and/or lead is present in quantities of 10,000 lbs or more.

**California Prop 65:** Batteries, battery posts, terminals and related accessories contain lead and lead compounds, and other chemicals known to the State of California to cause cancer and birth defects or other reproductive harm. **WASH HANDS AFTER HANDLING.**

For additional information concerning East Penn Manufacturing Co., Inc. products or questions concerning the content of this MSDS please contact your East Penn representative.

This information is accurate to the best of East Penn Mfg. Co.'s knowledge or obtained from sources believed by East Penn to be accurate. Before using any product, read all warnings and directions on the label.